

103D CONGRESS  
1ST SESSION

# H. R. 3229

To amend the Elementary and Secondary Education Act of 1965.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 1993

Mr. SERRANO (for himself, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mr. PASTOR, Mr. DE LA GARZA, Mr. DE LUGO, Mr. ORTIZ, Mr. RICHARDSON, Mr. TORRES, Ms. ROS-LEHTINEN, Mr. DIAZ-BALART, Mr. GUTIERREZ, Mr. MENENDEZ, Mr. ROMERO-BARCELÓ, Mr. TEJEDA, Ms. VELÁZQUEZ, Mr. UNDERWOOD, Mr. GENE GREEN of Texas, Mr. MILLER of California, and Ms. ENGLISH of Arizona) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Elementary and Secondary Education Act  
of 1965.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—EDUCATION**  
4 **IMPROVEMENT**

5 **SECTION 1. EDUCATION IMPROVEMENT.**

6 Section 1001 of the Elementary and Secondary Edu-  
7 cation Act of 1965 is amended to read as follows:

1 **“SEC. 1001. DECLARATION OF POLICY AND STATEMENT OF**  
2 **PURPOSE.**

3 “(a) DECLARATION OF POLICY.—In recognition of—

4 “(1) the most urgent need for educational im-  
5 provement in the Nation in schools with high con-  
6 centrations of children from low-income families and  
7 that it is the Federal role to provide assistance to  
8 such schools;

9 “(2) the fact that all children, regardless of eco-  
10 nomic circumstance, race, national origin, or English  
11 proficiency, can learn and have the capacity to ac-  
12 quire the high-level knowledge and skills in a broad  
13 range of subjects that will allow them to participate  
14 fully in the economic, social, and political life of the  
15 Nation;

16 “(3) the fact that within the educational sys-  
17 tem, positive change in the lives of children occurs  
18 largely at the school site and, therefore, there is a  
19 compelling need for measures to strengthen the ca-  
20 pacity of principals, teachers, school staff, parents,  
21 students, and other members of the school commu-  
22 nity to work in partnership to bring about such  
23 change;

24 “(4) the fact that parents and other responsible  
25 family members are the first educators of children,  
26 particularly in the early years, and must be actively

1 involved in their children's development and edu-  
2 cation both at home and in school to help children  
3 to achieve the high-level skills called for under this  
4 chapter;

5 “(5) the fact that parent involvement programs  
6 under this chapter can help remove barriers to effec-  
7 tive parent participation in the success of the pro-  
8 gram and the education of their children, and en-  
9 hance the participation of parents and other family  
10 members already involved;

11 “(6) the fact that schools have a role in work-  
12 ing with parents and health and social service pro-  
13 viders to help eliminate external barriers to learning  
14 and that patients and health and social service pro-  
15 viders have an obligation to assist and cooperate  
16 with schools in performing this role;

17 “(7) the fact that effective strategies for edu-  
18 cational improvement, in particular schoolwide re-  
19 structuring, have been developed which, if made  
20 available to and implemented by principals, teachers,  
21 and staff who have access to high-quality profes-  
22 sional training, will enable virtually all students to  
23 acquire high level skills and knowledge;

24 “(8) the fact that all children are entitled to  
25 participate in a broad and challenging curriculum

1 and to have access to resources sufficient to address  
2 other education needs;

3 “(9) the fact that the purposes of this chapter  
4 will be best served by the elimination of barriers to  
5 student learning that separate children from the reg-  
6 ular instructional program, homogeneous grouping  
7 and tracking, reliance upon low-level, basic skills,  
8 norm-referenced testing, and the replacement of  
9 these practices with the education practices, services,  
10 and resources called for by this chapter;

11 “(10) the fact that the historic exclusion from  
12 Chapter 1 services of limited English proficient chil-  
13 dren from low-income families does not foster the  
14 purposes of this chapter, since such children are  
15 often at high risk of school failure, and that the pur-  
16 poses of this Act will best be served by ensuring the  
17 participation of low-income limited English pro-  
18 ficient students; and

19 “(11) the economic, political, social, and ethical  
20 reasons that national policy predicated on the propo-  
21 sition that all children can and must learn and that  
22 no other objective of national policy shall be ac-  
23 corded higher priority or greater immediacy,

24 the Congress declares it to be the policy of the United  
25 States to—

1           “(A) provide financial assistance to State and  
2           local educational agencies to meet the special needs  
3           of economically disadvantaged children at the pre-  
4           school, elementary, and secondary levels;

5           “(B) expand the program authorized by this  
6           chapter over the next 10 years by increasing funding  
7           for this chapter each fiscal year thereby increasing  
8           the percentage of eligible children served in each fis-  
9           cal year with the intent of serving all eligible chil-  
10          dren by fiscal year 2004; and

11          “(C) provide such assistance in a way which  
12          eliminates unnecessary administrative burden and  
13          paperwork and overly prescriptive regulations and  
14          provides flexibility to State and local educational  
15          agencies in making sound educational decisions.

16          “(b) STATEMENT OF PURPOSE.—It is the purpose of  
17          this chapter to assist State and local educational agencies  
18          to meet the education needs of the children of low-income  
19          families, particularly children in schools with high con-  
20          centrations of poverty, so that all such children will attain  
21          high levels of proficiency in the knowledge and skills that  
22          are necessary for sustained success. The means for accom-  
23          plishing the mission include—

1           “(1) establishing prekindergarten and other ef-  
2           fective services and programs to ensure readiness for  
3           school;

4           “(2) fostering the establishment of high levels  
5           of expectation and high standards for student per-  
6           formance and accurate means for assessing whether  
7           standards have been met;

8           “(3) assisting teachers through professional de-  
9           velopment and other programs in enhancing their  
10          teaching skills and practices to address the special  
11          needs of educationally at-risk and limited English  
12          proficient students and to improve the educational  
13          outcomes of all students;

14          “(4) assisting in the establishment at each par-  
15          ticipating school of a broad and challenging curricu-  
16          lum available to all students, including limited Eng-  
17          lish proficient students;

18          “(5) strengthening the classroom program as  
19          part of restructuring the school to improve edu-  
20          cational outcomes of all students by providing in-  
21          class and extra services and assistance, including ex-  
22          tending the school day or school year, or recon-  
23          structing the school day or instituting team teaching  
24          or combining different grade-levels, which strengthen  
25          and reinforce the experience children receive through

1 full participation in a regular school program of high  
2 quality;

3 “(6) assuring that all schools within a state  
4 that participate in the chapter 1 program receive es-  
5 sential educational services that are comparable to  
6 those received by schools that do not participate in  
7 the chapter 1 program; and

8 “(7) establishing methods of school, district,  
9 and state-level accountability, including incentives  
10 and sanctions, that will help ensure that the mission  
11 of this chapter is achieved.”.

12 **SEC. 2. BASIC PROGRAMS.**

13 Part A of chapter 1 of title I of the Elementary and  
14 Secondary Education Act of 1965 is amended to read as  
15 follows:

16 **“PART A—BASIC PROGRAMS OPERATED BY**  
17 **LOCAL EDUCATIONAL AGENCIES**

18 **“Subpart 1—Allocations**

19 **“SEC. 1005. BASIC GRANTS.**

20 “(a) AMOUNT OF GRANTS.—

21 “(1) GRANTS FOR TERRITORIES.—There is au-  
22 thorized to be appropriated for each fiscal year for  
23 the purpose of this subparagraph 0.8 percent of the  
24 amount appropriated for such year for payments to  
25 States under this part. The amount appropriated

1       pursuant to this subparagraph shall be allotted by  
2       the Secretary (A) among Guam, American Samoa,  
3       the Virgin Islands, the Northern Mariana Islands,  
4       and the Trust Territory of the Pacific Islands ac-  
5       cording to their respective need for grants under this  
6       part, and (B) to the Secretary of the Interior in the  
7       amount necessary (i) to make payments pursuant to  
8       paragraph (1) of subsection (d), and (ii) to make  
9       payments pursuant to paragraph (2) of subsection  
10      (d). The grant which a local educational agency in  
11      Guam, American Samoa, the Virgin Islands, the  
12      Northern Mariana Islands, and the Trust Territory  
13      of the Pacific Islands is eligible to receive shall be  
14      determined pursuant to such criteria as the Sec-  
15      retary determines will best carry out the purposes of  
16      this chapter.

17           “(2) GRANTS FOR LOCAL EDUCATIONAL AGEN-  
18      CIES.—

19           “(A) In any case in which the Secretary  
20      determines that satisfactory data for that pur-  
21      pose are available, the grant which a local edu-  
22      cational agency in a State is eligible to receive  
23      under this subpart for a fiscal year shall (except  
24      as provided in paragraph (3)), be determined by  
25      multiplying the number of children counted



1 under subsection (c) by 40 percent of the  
2 amount determined under the next sentence.  
3 The amount determined under this sentence  
4 shall be the average per pupil expenditure in  
5 the State except that (i) if the average per pupil  
6 expenditure in the State is less than 80 percent  
7 of the average per pupil expenditure in the  
8 United States, such amount shall be 80 percent  
9 of the average per pupil expenditure in the  
10 United States, or (ii) if the average per pupil  
11 expenditure in the State is more than 120 per-  
12 cent of the average per pupil expenditure in the  
13 United States, such amount shall be 120 per-  
14 cent of the average per pupil expenditure in the  
15 United States.

16 “(B) In any case in which such data are  
17 not available, subject to paragraph (3), the  
18 grant for any local educational agency in a  
19 State shall be determined on the basis of the  
20 aggregate amount of such grants for all such  
21 agencies in the county or counties in which the  
22 school district of the particular agency is lo-  
23 cated, which aggregate amount shall be equal to  
24 the aggregate amount determined under sub-  
25 paragraph (A) for such county or counties, and

1 shall be allocated among those agencies upon  
2 such equitable basis in accordance with the  
3 basic criteria prescribed by the Secretary.

4 “(3) SPECIAL ALLOCATION PROCEDURES.—

5 “(A) Upon determination by the State edu-  
6 cational agency that a local educational agency  
7 in the State is unable or unwilling to provide  
8 for the special educational needs of children de-  
9 scribed in clause (C) of paragraph (1) of sub-  
10 section (c), who are living in institutions for ne-  
11 glected or delinquent children, the State edu-  
12 cational agency shall, if it assumes responsibil-  
13 ity for the special educational needs of such  
14 children, be eligible to receive the portion of the  
15 allocation to such local educational agency  
16 which is attributable to such neglected or delin-  
17 quent children, but if the State educational  
18 agency does not assume such responsibility, any  
19 other State or local public agency, as deter-  
20 mined by regulations established by the Sec-  
21 retary, which does assume such responsibility,  
22 shall be eligible to receive such portion of the  
23 allocation.

24 “(B) In the case of local educational agen-  
25 cies which serve in whole or in part the same

1 geographical area, and in the case of a local  
2 educational agency which provides free public  
3 education for a substantial number of children  
4 who reside in the school district of another local  
5 educational agency, the State educational agen-  
6 cy may allocate the amount of the grants for  
7 those agencies among them in such manner as  
8 it determines will best carry out the purposes of  
9 this chapter.

10 “(C) In any State in which a large number  
11 of local educational agencies overlap county  
12 boundaries, the State educational agency may  
13 apply to the Secretary for authority during any  
14 particular fiscal year to make the allocations  
15 under this part (other than section 1006) di-  
16 rectly to local educational agencies without re-  
17 gard to the counties or may continue to make  
18 such allocations if the agency had the authority  
19 to do so under chapter 1 of the Education Con-  
20 solidation and Improvement Act of 1981. If the  
21 Secretary approves an application of a State  
22 educational agency for a particular year under  
23 this subparagraph, the State educational agency  
24 shall provide assurance that such allocations  
25 will be made using precisely the same factors

1           for determining a grant as are used under this  
2           part and that a procedure will be established  
3           through which local educational agencies dissat-  
4           isfied with the determinations made by the  
5           State educational agency may appeal directly to  
6           the Secretary for a final determination.

7           “(4) DEFINITION.—For purposes of this sub-  
8           section, the term ‘State’ does not include Guam,  
9           American Samoa, the Virgin Islands, the Northern  
10          Mariana Islands, and the Trust Territory of the Pa-  
11          cific Islands.

12          “(b) MINIMUM NUMBER OF CHILDREN TO QUAL-  
13 IFY.—No grant may be made under this part to a local  
14 educational agency with fewer than 10 children counted  
15 under subsection (c) of this section. No grant may be  
16 made under this part to a local educational agency with  
17 fewer than 100 children counted under subsection (c) un-  
18 less the number of children counted under such subsection  
19 is equal to, or greater than, 18 percent of the total number  
20 of children aged 5–17 years, inclusive, in the local edu-  
21 cational agency.

22          “(c) CHILDREN TO BE COUNTED.—

23                  “(1) CATEGORIES OF CHILDREN.—The number  
24                  of children to be counted for purposes of this section  
25                  is the aggregate of—

1           “(A) the number of children aged 5 to 17,  
2           inclusive, in the school district of the local edu-  
3           cational agency from families below the poverty  
4           level as determined under paragraph (2)(A);

5           “(B) the number of children aged 5 to 17,  
6           inclusive, in the school district of such agency  
7           from families above the poverty level as deter-  
8           mined under paragraph (2)(B);

9           “(C) the number of children aged 5 to 17,  
10          inclusive, in the school district of such agency  
11          living in institutions for neglected or delinquent  
12          children (other than such institutions operated  
13          by the United States) but not counted pursuant  
14          to subpart 3 of part D for the purposes of a  
15          grant to a State agency, or being supported in  
16          foster homes with public funds; and

17          “(D) the number of children aged 5 to 17,  
18          inclusive, in the school district of such agency  
19          who are not counted under subparagraph (A)  
20          and who speak English less than ‘very well’, as  
21          determined by the most recent satisfactory data  
22          available from the Department of Commerce;  
23          minus a number equal to 2 percent of the population  
24          of children, aged 5 to 17, inclusive, in the local edu-

1        cational agency as determined by the Department of  
2        Commerce.

3            “(2) DETERMINATION OF NUMBER OF CHIL-  
4        DREN.—

5            “(A) For the purposes of this section, the  
6        Secretary shall determine the number of chil-  
7        dren aged 5 to 17, inclusive, from families  
8        below the poverty level on the basis of the 1990  
9        decennial census (with updates provided by the  
10       Department of Commerce as required under  
11       subparagraph (C)) for local educational agen-  
12       cies; and in determining the families which are  
13       below the poverty level, the Secretary shall uti-  
14       lize the criteria of poverty used by the Bureau  
15       of the Census in compiling the most recent de-  
16       cennial census.

17           “(B) For purposes of this section, the Sec-  
18       retary shall determine the number of children  
19       aged 5 to 17, inclusive, from families above the  
20       poverty level on the basis of the number of such  
21       children from families receiving an annual in-  
22       come, in excess of the current criteria of pov-  
23       erty, from payments under the program of aid  
24       to families with dependent children under a  
25       State plan approved, under title IV of the So-

1           cial Security Act; and in making such deter-  
2           minations the Secretary shall utilize the criteria  
3           of poverty used by the Bureau of the Census in  
4           compiling the most recent decennial census for  
5           a family of 4 in such form as those criteria  
6           have been updated by increases in the  
7           Consumer Price Index. The Secretary shall de-  
8           termine the number of such children and the  
9           number of children of such ages living in insti-  
10          tutions for neglected or delinquent children, or  
11          being supported in foster homes with public  
12          funds, on the basis of the caseload data for the  
13          month of October of the preceding fiscal year  
14          (using, in the case of children described in the  
15          preceding sentence, the criteria of poverty and  
16          the form of such criteria required by such sen-  
17          tence which were determined for the calendar  
18          year preceding such month of October) or, to  
19          the extent that such data are not available to  
20          the Secretary before January of the calendar  
21          year in which the Secretary's determination is  
22          made, then on the basis of the most recent reli-  
23          able data available to the Secretary at the time  
24          of such determination. The Secretary of Health  
25          and Human Services shall collect and transmit

1 the information required by this subparagraph  
2 to the Secretary not later than January 1 of  
3 each year.

4 “(C) For purposes of section 2(A), begin-  
5 ning in 1995 and every 2 years thereafter, the  
6 Secretary of Commerce shall make a special up-  
7 dated estimate of the number of children of  
8 such ages who are from families below the pov-  
9 erty level in each State, county, and local edu-  
10 cational agency. The Secretary is authorized to  
11 pay (either in advance or by way of reimburse-  
12 ment) the Secretary of Commerce the cost of  
13 making this special estimate. The Secretary of  
14 Commerce shall adjust such estimates for popu-  
15 lation undercounts of certain groups, particu-  
16 larly low-income families. The Secretary of  
17 Commerce shall give consideration to any re-  
18 quest of the chief executive of a State for the  
19 collection of additional census information. For  
20 purposes of this section, the Secretary shall  
21 consider all children who are in correctional in-  
22 stitutions to be living in institutions for delin-  
23 quent children.

24 “(d) PROGRAM FOR INDIAN CHILDREN.—



1           “(1) From the amount allotted for payments to  
2           the Secretary of the Interior under the second sen-  
3           tence of subsection (a)(1), the Secretary of the Inte-  
4           rior shall make payments to local educational agen-  
5           cies, upon such terms as the Secretary determines  
6           will best carry out the purposes of this chapter with  
7           respect to out-of-State Indian children in the ele-  
8           mentary and secondary schools of such agencies  
9           under special contracts with the Department of the  
10          Interior. The amount of such payment may not ex-  
11          ceed, for each such child, 40 percent of (A) the aver-  
12          age per pupil expenditure in the State in which the  
13          agency is located, or (B) 120 percent of such ex-  
14          penditure in the United States, whichever is the  
15          greater.

16          “(2) The amount allotted for payments to the  
17          Secretary of the Interior under the second sentence  
18          of subsection (a)(1) for any fiscal year shall be, as  
19          determined pursuant to criteria established by the  
20          Secretary, the amount necessary to meet the special  
21          educational needs of educationally deprived Indian  
22          children on reservations serviced by elementary and  
23          secondary schools for Indian children operated with  
24          Federal assistance or operated by the Department of  
25          the Interior. Such payment shall be made pursuant

1 to an agreement between the Secretary and the Sec-  
2 retary of the Interior containing such assurances  
3 and terms as the Secretary determines will best  
4 achieve the purposes of this chapter. Such agree-  
5 ment shall contain (A) an assurance that payments  
6 made pursuant to this subparagraph will be used  
7 solely for programs and projects approved by the  
8 Secretary of the Interior which meet the applicable  
9 requirements of subpart 2 of this part and that the  
10 Department of the Interior will comply in all other  
11 respects with the requirements of this chapter, and  
12 (B) provision for carrying out the applicable provi-  
13 sions of subpart 2 of this part and part F. Such  
14 agreement shall consider a tribal organization oper-  
15 ating a school under the Indian Self-determination  
16 and Education Assistance Act (25 U.S.C. 450 et  
17 seq.) or the Tribally Controlled Schools Act of 1987  
18 as a local educational agency, and shall consider the  
19 Secretary of the Interior as a State or State edu-  
20 cational agency for all purposes defining the author-  
21 ity of States or State educational agencies relative to  
22 local educational agencies. If, in the capacity as a  
23 State educational agency, the Secretary of the Inte-  
24 rior promulgates regulations applicable to such tribal  
25 organizations, the Secretary shall comply with sec-

tion 1451 of this Act and with section 553 of title 5 of the United States Code, relating to administrative procedure, and such regulations must be consistent with subsections (d) and (e) of section 1121, section 1130, and section 1133 of the Education Amendments of 1978.

“(e) STATE MINIMUM.—

“(1) For any fiscal year for which—

“(A) sums available for the purposes of this section exceed sums available under chapter 1 of the Education Consolidation and Improvement Act of 1981 for fiscal year 1988; and

“(B)(i) sums available for the purpose of section 1006 equal or exceed \$400,000,000, or

“(ii) sums available for the purpose of section 1005 equal or exceed amounts appropriated for such purpose in fiscal year 1988 by \$700,000,000,

the aggregate amount allotted for all local educational agencies within a State may not be less than one-quarter of 1 percent of the total amount available for such fiscal year under this section.

“(2) The provisions of paragraph (1) shall apply only if each State is allotted an amount which

1 is not less than the payment made to each State  
2 under chapter 1 of the Education Consolidation and  
3 Improvement Act of 1981 for fiscal year 1988.

4 “(3)(A) No State shall, by reason of the appli-  
5 cation of the provisions of paragraph (1) of this sub-  
6 section, be allotted more than—

7 “(i) 150 percent of the amount that the  
8 State received in the fiscal year preceding the  
9 fiscal year for which the determination is made,  
10 or

11 “(ii) the amount calculated under subpara-  
12 graph (B), whichever is less.

13 “(B) For the purpose of subparagraph (A)(ii),  
14 the amount for each State equals—

15 “(i) the number of children in such State  
16 counted under subsection (c) in the fiscal year  
17 specified in subparagraph (A), multiplied by

18 “(ii) 150 percent of the national average  
19 per pupil payment made with funds available  
20 under this section for that year.

21 “(f) DURATION OF ASSISTANCE.—During the period  
22 beginning January 1, 1995, and ending September 30,  
23 2004, the Secretary shall, in accordance with the provi-  
24 sions of this part, make payments to State educational

1 agencies for grants made on the basis of entitlements cre-  
2 ated under this section.

3 **“SEC. 1006. GRANTS FOR LOCAL EDUCATIONAL, AGENCIES**  
4 **IN COUNTIES WITH ESPECIALLY HIGH CON-**  
5 **CENTRATIONS OF CHILDREN FROM LOW-IN-**  
6 **COME FAMILIES.**

7 “(a) ELIGIBILITY FOR AND AMOUNT OF SPECIAL  
8 GRANTS.—

9 “(1)(A) Except as otherwise provided in this  
10 paragraph, each county, in a State other than  
11 Guam, American Samoa, the Virgin Islands, the  
12 Northern Mariana Islands, and the Trust Territory  
13 of the Pacific Islands, which is eligible for a grant  
14 under this chapter for any fiscal year shall be enti-  
15 tled to an additional grant under this section for  
16 that fiscal year if—

17 “(i) the number of children counted under  
18 section 1005(c) of this chapter in the school  
19 district of local educational agencies in such  
20 county for the preceding fiscal year exceeds  
21 6,500, or

22 “(ii) the number of children counted under  
23 section 1005(c) exceeds 18 percent of the total  
24 number of children aged five to seventeen, in-  
25 clusive, in the school districts of local edu-

1           cational agencies in such county in that fiscal  
2           year.

3           “(B) Except as provided in subparagraph (C),  
4           no State described in subparagraph (A) shall receive  
5           less than—

6                   “(i) one-quarter of 1 percent of the sums  
7                   appropriated under subsection (c) of this sec-  
8                   tion for such fiscal year; or

9                   “(ii) \$250,000, whichever is higher.

10           “(C) No State shall, by reason of the applica-  
11           tion of the provisions of subparagraph (B)(i) of this  
12           paragraph, be allotted more than—

13                   “(i) 150 percent of the amount that the  
14                   State received in the fiscal year preceding the  
15                   fiscal year for which the determination is made,  
16                   or

17                   “(ii) the amount calculated under subpara-  
18                   graph (B), whichever is less.

19           “(D) For the purpose of subparagraph (C), the  
20           amount for each State equals—

21                   “(i) the number of children in such State  
22                   counted for purposes of this section in the fiscal  
23                   year specified in subparagraph (B), multiplied  
24                   by

1           “(ii) 150 percent of the national average  
2           per pupil payment made with funds available  
3           under this section for that year.

4           “(2) For each county in which there are local  
5           educational agencies eligible to receive an additional  
6           grant under this section for any fiscal year the Sec-  
7           retary shall determine the product of—

8           “(A) the number of children counted under  
9           section 1005(c) for the current fiscal year—

10           “(i) the number of children in excess  
11           of 6,500 counted under section 1005(c) for  
12           the preceding fiscal year, in the school dis-  
13           tricts of local educational agencies of a  
14           county which qualifies on the basis of sub-  
15           paragraph (A) of paragraph (1); or

16           “(ii) the number of children counted  
17           under section 1005(c) for the preceding  
18           fiscal year in the school districts of local  
19           educational agencies in a county which  
20           qualifies on the basis of subparagraph (B)  
21           of paragraph (1); and

22           “(B) the quotient resulting from the divi-  
23           sion of the amount determined for those agen-  
24           cies under section 1005(a)(2) of this chapter  
25           for the fiscal year for which the determination

1 is being made divided by the total number of  
2 children counted under section 1005(c) for that  
3 agency for the preceding fiscal year.

4 “(3) The amount of the additional grant to  
5 which an eligible county is entitled under this section  
6 for any fiscal year shall be an amount which bears  
7 the same ratio to the amount reserved under sub-  
8 section (c) for that fiscal year as the product deter-  
9 mined under paragraph (2) for such county for that  
10 fiscal year bears to the sum of such products for all  
11 counties in the United States for that fiscal year.

12 “(4) For the purposes of this section, the Sec-  
13 retary shall determine the number of children count-  
14 ed under section 1005(c) for any county, and the  
15 total number of children aged five to seventeen, in-  
16 clusive, in school districts of local educational agen-  
17 cies in such county, on the basis of the most recent  
18 satisfactory data available at the time of the pay-  
19 ment for such county as determined under section  
20 1005.

21 “(b) PAYMENTS; USE OF FUNDS.—

22 “(1) The total amount which counties in a  
23 State are entitled to under this section for any fiscal  
24 year shall be added to the amount paid to that State  
25 under section 1401 for such year. From the amount



1       paid to it under this section, the State shall distrib-  
2       ute to local educational agencies in each county of  
3       the State the amount (if any) to which it is entitled  
4       under this section.

5           “(2) The amount paid to a local educational  
6       agency under this section shall be used by that agen-  
7       cy for activities undertaken pursuant to its applica-  
8       tion submitted under section 1012 and shall be sub-  
9       ject to the other requirements in subpart 2 of this  
10      part.

11      “(c) RESERVATION OF FUNDS.—Of the total  
12      amounts made available for this part, 50 percent shall be  
13      allocated following the provisions of section 1005, and 50  
14      percent shall be allocated following the provisions of sub-  
15      sections (a) and (b) of this section.

16      “(d) RATABLE REDUCTION RULE.—If the sums  
17      available under subsection (c) for any fiscal year for mak-  
18      ing payments under this section are not sufficient to pay  
19      in full the total amounts which all States are entitled to  
20      receive under subsection (a) for such fiscal year, the maxi-  
21      mum amounts which all States are entitled to receive  
22      under subsection (a) for such fiscal year shall be ratably  
23      reduced. In case additional funds become available for  
24      making such payments for any fiscal year during which  
25      the preceding sentence is applicable, such reduced

1 amounts shall be increased on the same basis as they were  
2 reduced.

3 **“Subpart 2—Allocations**

4 **“SEC. 1011. USES OF FUNDS.**

5 “A local educational agency may use funds received  
6 under this part only for education programs and activities  
7 which are designed to facilitate the attainment by students  
8 and schools of the standards set forth in section 1012 and  
9 which are included in an application for assistance ap-  
10 proved by the State educational agency. Such programs  
11 and activities may include—

12 “(1) preschool through secondary instructional  
13 programs, including programs conducted before,  
14 during and after the regular school day and during  
15 the summer;

16 “(2) staff development and training programs  
17 to improve instructional practices aimed at effective  
18 teaching strategies for economically deprived or lim-  
19 ited-English proficient children, the development and  
20 use of nondiscriminatory, developmentally appro-  
21 priate, and linguistically accessible classroom-based  
22 assessments, use of district and State assessment in-  
23 struments, and effective strategies for involving par-  
24 ents, in particular limited-English proficient parents  
25 and parents with limited literacy skills;

1           “(3) the design and implementation of, and  
2           staff development and training on the use of, assess-  
3           ments based on sound psychometric practice and  
4           theoretically based research, including contemporary  
5           theories and research on language proficiency and  
6           communicative competence and other measures to  
7           assess whether a student is limited-English pro-  
8           ficient and the monitoring of the students’ academic  
9           and English language acquisition progress;

10          “(4) design and implementation at the school  
11          and district levels of assessments integrated with  
12          curriculum and instruction, that foster teaching and  
13          learning, are adaptable to diverse student popu-  
14          lations, encourage self-reflection and decision-mak-  
15          ing, emphasize students’ strengths and incorporate  
16          into the design and implementation those elements  
17          and characteristics that enable all students to bene-  
18          fit from instructional practices and assessment out-  
19          comes, including opportunities for limited-English  
20          proficient students to be assessed in their primary  
21          language;

22          “(5) planning and implementing schoolwide im-  
23          provement initiatives to improve instruction and  
24          other education reforms, including restructuring the  
25          school day, team teaching, heterogeneous classes,

1 and other methods, that do not separate participat-  
2 ing children from instruction in the regular school  
3 program in core subjects;

4 “(6) development and implementation of parent  
5 involvement activities and training pursuant to sec-  
6 tion 1016;

7 “(7) acquisition of equipment and multilingual  
8 materials, including books, computers, and other in-  
9 structional resources;

10 “(8) activities undertaken pursuant to section  
11 1019 designed to increase eligible students’ access to  
12 health and social services, if funds are spent in ac-  
13 cordance with section 1019(e);

14 “(9) hiring additional teachers, including bilin-  
15 gual teachers, consultants, bilingual aides, or other  
16 staff to implement programs under this chapter; and

17 “(10) rewards provided pursuant to sections  
18 1012 and 1021.

19 **“SEC. 1012. STANDARDS, ASSURANCES, APPLICATIONS AND**  
20 **CAPACITY BUILDING.**

21 “(a) STANDARDS.—

22 “(1) DUTIES OF THE SECRETARY.—The Sec-  
23 retary shall adopt guidelines for the development by  
24 State educational agencies of State standards in ac-  
25 cordance with the following principles:

1           “(A) OVERARCHING STANDARD.—The  
2           overarching standard shall be the attainment of  
3           high level skills and knowledge, meaning the  
4           ability to reason, read, understand, interpret  
5           and analyze complex material in a broad range  
6           of academic subjects, to use quantitative skills  
7           for planning, analysis, and problem solving, to  
8           speak and write effectively, and to work coop-  
9           eratively in teams as well as to think and act  
10          independently.

11          “(B) TYPES OF STANDARDS.—The stand-  
12          ards shall be of three types:

13               “(i) Content standards that are cul-  
14               turally sensitive and set out the knowledge  
15               and skills, that schools must teach to en-  
16               able all students, including those with lim-  
17               ited English proficiency, to attain high lev-  
18               els of proficiency, and

19               “(I) shall be geared to the devel-  
20               opment of competencies that will qual-  
21               ify students for higher education and  
22               higher-skill occupations and will pre-  
23               pare them to function as knowledge-  
24               able and contributing citizens in soci-  
25               ety;

1           “(II) shall relate to specific sub-  
2           ject areas, including reading, mathe-  
3           matics, and science, and shall also re-  
4           quire the integration of knowledge  
5           and problem-solving skills in several  
6           disciplines;

7           “(III) shall be broad-ranging and  
8           encompass reading, mathematics,  
9           writing, science, history, and geog-  
10          raphy and other subjects as appro-  
11          priate; and

12          “(IV) shall also call for the devel-  
13          opment of knowledge and skills in  
14          other areas that will prepare students  
15          to function as knowledgeable and con-  
16          tributing citizens, such as health, ac-  
17          quisition of a second-language, the  
18          arts and community service.

19          “(ii) Student performance standards  
20          that establish both the degree or quality of  
21          proficiency ultimately expected of students,  
22          including limited English proficient stu-  
23          dents, in meeting the content standards  
24          and a range of intermediate benchmarks to

1 serve as indicators for assessing the status  
2 and progress of student performance.

3 “(iii) Opportunity-to-learn standards  
4 that include a series of measures that will  
5 be used to determine whether schools and  
6 teachers have been provided with the  
7 means to meet content standards and  
8 whether students, including limited English  
9 proficient students, have been provided a  
10 meaningful opportunity to meet perform-  
11 ance standards including—

12 “(I) provision to students in each  
13 local educational agency and school of  
14 a culturally sensitive, developmentally  
15 appropriate, and linguistically acces-  
16 sible curriculum that meets the con-  
17 tent standards prescribed in sub-  
18 section (a)(1)(B)(i);

19 “(II) the use in each local edu-  
20 cational agency and school of appro-  
21 priately trained, licensed, or certified  
22 staff who are teaching in their areas  
23 of licensure or certification, and the  
24 use of appropriately trained or cer-

1           tified staff to teach limited English  
2           proficient students;

3           “(III) the use in each local edu-  
4           cational agency and school of system-  
5           atic instructional practices that can be  
6           shown to help economically deprived  
7           and limited English proficient stu-  
8           dents attain the standards set forth in  
9           this section and the elimination of in-  
10          structional practices that have been  
11          shown to be ineffective in attaining  
12          the standards;

13          “(IV) provision to students in  
14          each local educational agency and  
15          school of technologically advanced  
16          equipment, such as computers, soft-  
17          ware programs or other equipment  
18          which facilitates learning;

19          “(V) provision to students in  
20          each local educational agency and  
21          school of an adequate quantity of de-  
22          velopmentally appropriate, culturally  
23          sensitive, and linguistically accessible  
24          up-to-date resource materials and  
25          books;



1 “(VI) provision to limited-Eng-  
2 lish proficient students of a curricu-  
3 lum designed to build on their existing  
4 linguistic and cognitive skills and ad-  
5 dress specific developmental needs  
6 based on students’ strengths in lan-  
7 guage (listening, speaking, reading or  
8 writing) or content;

9 “(VII) the establishment by each  
10 local educational agency and school of  
11 an adequate number of facilities for  
12 students that are conducive to learn-  
13 ing, clean, and safe;

14 “(VIII) the provision in each  
15 local educational agency and school of  
16 the high-quality staff development and  
17 other capacity-building measures spec-  
18 ified in section 1012(c);

19 “(IX) the establishment in each  
20 local educational agency and school of  
21 the programs and procedures for par-  
22 ent involvement specified in section  
23 1016;

24 “(X) the allocation of time in  
25 teachers’ schedules that is adequate to

1 enable them to review and share infor-  
2 mation on student achievement, to  
3 consult with their colleagues on the  
4 needs of individual students and on  
5 school improvement, to increase pro-  
6 fessional knowledge and skills, and to  
7 improve the effectiveness of their  
8 teaching;

9 “(XI) the use in each local edu-  
10 cational agency and school of valid  
11 and nondiscriminatory assessment  
12 systems that are linguistically acces-  
13 sible and capable of providing coher-  
14 ent information about student attain-  
15 ments relative to the content stand-  
16 ards and that are modeled on good in-  
17 structional practices; and

18 “(XII) the use of appropriately  
19 trained teachers and other instruc-  
20 tional staff in the development and  
21 use of State and local assessment  
22 measures.

23 “(C) ASSISTANCE TO STATE AND LOCAL  
24 EDUCATIONAL AGENCIES.—The Secretary shall  
25 make available to all State educational agencies

1 the best standards set by professional associa-  
2 tions and exemplary standards submitted by  
3 State educational agencies under paragraph (2)  
4 of this subsection and shall provide other tech-  
5 nical assistance to States and to the extent  
6 practicable to local educational agencies in the  
7 development of standards.

8 “(D) REVIEW OF STANDARDS.—The Sec-  
9 retary shall determine within 90 days after sub-  
10 mission whether each State educational agency  
11 has submitted standards that meet the require-  
12 ments of this section and shall require State  
13 educational agencies that fail to submit accept-  
14 able standards to select a set of standards from  
15 among those State educational agency submis-  
16 sions the Secretary has found acceptable.

17 “(2) DUTIES OF STATE EDUCATIONAL AGEN-  
18 CIES.—

19 “(A) Each State educational agency shall  
20 submit to the Secretary by January 1, 1997,  
21 statewide content, performance, and oppor-  
22 tunity-to-learn standards that comply with the  
23 requirements set forth in this section, and  
24 guidelines for the development of local stand-

ards by local educational agencies that comply  
with the State standards.

“(B) Each State educational agency shall  
develop standards and guidelines that—

“(i) incorporate the best standards set  
by professional associations;

“(ii) provide assurances that the  
standards adopted for Chapter 1 students  
are not lower than those the State and  
local educational agency applies to non-  
Chapter 1 students; and

“(iii) provide assurances that the  
standards adopted for Chapter 1 students  
who are limited-English proficient are not  
lower than those developed for non-limited-  
English proficient students.

“(C) To assist in the development of  
standards, each State educational agency shall  
establish and engage in a process of public con-  
sultation that shall encourage the informed par-  
ticipation of persons involved or interested in  
public education, including leaders of profes-  
sional education associations, practitioners and  
persons experienced in the teaching of economi-  
cally deprived and limited-English proficient

1 children, parents, and community and business  
2 leaders.

3 “(D) Each State educational agency, after  
4 approval of its submission by the Secretary,  
5 shall assure that its standards and guidelines  
6 are distributed to all local educational agencies,  
7 that they are made widely available on request  
8 and that summaries and other information  
9 about the approved standards are prepared and  
10 made available to professional education asso-  
11 ciations, community and business leaders,  
12 teachers, parents, and students. The informa-  
13 tion contained therein shall be translated, to the  
14 extent feasible, into any language that a signifi-  
15 cant percentage of the parents of participatory  
16 children in the school speak as their primary  
17 language.

18 “(3) SUPPLEMENTAL LOCAL STANDARDS.—  
19 Each local educational agency and school shall—

20 “(A) engage parents, teachers, and other  
21 school staff and members of the school commu-  
22 nity in a discussion of the State standards and  
23 guidelines for the purpose of developing local  
24 standards to assure adherence to the State  
25 standards;

1           “(B) determine what additions to or revi-  
2           sions of curriculum and instructional strategies  
3           are necessary to enable students, including lim-  
4           ited-English proficient students, to meet the  
5           State standards;

6           “(C) develop specific local educational  
7           agency and school standards which facilitate  
8           adherence to the State standards;

9           “(D) assure that all members of the school  
10          community are provided with clear information  
11          about the State and local standards and about  
12          their responsibilities for meeting them; and

13          “(E) include the local standards with the  
14          school and local educational agency achievement  
15          plans, submitted to the State educational agen-  
16          cy pursuant to section 1012(c).

17          “(b) ASSURANCES.—

18                 “(1) STATE EDUCATIONAL AGENCY ASSUR-  
19                 ANCES.—Any State desiring to participate under  
20                 this chapter shall submit to the Secretary, through  
21                 its State educational agency, assurances that such  
22                 agency—

23                         “(A) will meet the requirements in section  
24                         435 (b)(2) and (b)(5) of the General Education

1 Provisions Act relating to fiscal control and  
2 fund accounting procedures;

3 “(B) will carry out the activities required  
4 under this chapter, including standards, local  
5 educational agency capacity-building, statewide  
6 comparability, health and social services, assess-  
7 ment, and enforcement;

8 “(C) has on file a plan that meets the re-  
9 quirements of section 1012(c)(4)(C); and

10 “(D) will ensure that its local educational  
11 agencies and State agencies receiving funds  
12 under this chapter comply with all applicable  
13 statutory and regulatory provisions pertaining  
14 to this chapter.

15 “(2) LOCAL EDUCATIONAL ASSURANCES.—As  
16 part of its application pursuant to section  
17 1012(c)(3), any local educational agency desiring to  
18 participate under this chapter shall submit to the  
19 State educational agency, assurances that the local  
20 educational agency—

21 “(A) will carry out the activities required  
22 under this chapter, including standards, capac-  
23 ity building, parent involvement, school com-  
24 parability, health and social services, assess-  
25 ment, and enforcement; and

1           “(B) will ensure that all programs and ac-  
2           tivities funded in whole or in part under this  
3           section are properly evaluated and conducted  
4           according to accepted professional standards  
5           and the results made widely available to par-  
6           ents, school staff, and the public. The informa-  
7           tion contained therein shall be translated, to the  
8           extent feasible, into any language that a signifi-  
9           cant percentage of the parents of participating  
10          children in the school speak as their primary  
11          language.

12          “(c) CAPACITY BUILDING, STAFF DEVELOPMENT,  
13          AND SCHOOL IMPROVEMENT.—

14               “(1) GOALS.—The goals of capacity building,  
15          staff development and school improvement programs  
16          funded under this chapter are—

17               “(A) to assure that the curriculum, assess-  
18          ment, instruction, support services and course  
19          placement practices at each participating school  
20          operate to enable all economically deprived stu-  
21          dents, including limited-English proficient stu-  
22          dents, to achieve at the high levels called for  
23          under this chapter;



1           “(B) to build the capacity of the school as  
2           a whole to become self-critical, self-regulating,  
3           and continually focused on improving results;

4           “(C) to assure that individual professionals  
5           on the school team have the knowledge and  
6           skills to enable economically deprived students,  
7           including limited-English proficient students, to  
8           achieve at the high levels called for under this  
9           chapter;

10          “(D) to inform professional staff in partici-  
11          pating schools with developments in their pro-  
12          fessions and disciplines; and

13          “(E) to develop the capacity of school staff  
14          to work with parents so that parents may be-  
15          come full participants in their children’s edu-  
16          cation, both at home and at school.

17          “(2) PARTICIPATING SCHOOLS.—Each partici-  
18          pating school shall plan and undertake a program of  
19          staff development and school improvement activities,  
20          in accordance with its school achievement plan and  
21          the goals specified in this section. Prior to receiving  
22          any funds under this chapter, and every two years  
23          thereafter, each participating school shall prepare  
24          and submit to the local educational agency a com-  
25          prehensive school achievement plan that describes

1 the program to be implemented under this chapter.  
2 The school shall involve teachers, other professional  
3 staff, parents, and in the case of secondary schools,  
4 students, in identifying needs and in developing the  
5 school plan.

6 “(A) SCHOOL ACHIEVEMENT PLANS.—  
7 Each participating achievement plan of a school  
8 shall include—

9 “(i) an analysis and description of re-  
10 liable data based on—

11 “(I) student achievement pat-  
12 terns, and student’s progress in meet-  
13 ing the State and local standards sep-  
14 arately stated by race, national origin,  
15 gender, status as a limited-English  
16 proficient student, and status as eco-  
17 nomically deprived and  
18 noneconomically deprived;

19 “(II) the number of economically  
20 deprived students in the school and a  
21 description of the methodology used to  
22 identify economically deprived stu-  
23 dents;

24 “(III) grade-level retention rates,  
25 school drop-out rates, school rates of

1 special education student placements,  
2 and school suspension and other dis-  
3 ciplinary rates by race, national ori-  
4 gin, status as a limited-English pro-  
5 ficient student, and gender; and

6 “(IV) the current program being  
7 offered to limited-English proficient  
8 students and a description of the  
9 number and percentage of students  
10 identified as limited-English proficient  
11 and non-limited English proficient;  
12 and

13 “(ii) based on such analysis—

14 “(I) steps the school will take  
15 over the course of the academic year  
16 to ensure that increasing proportions  
17 of economically deprived students, in-  
18 cluding limited English proficient stu-  
19 dents, meet the State and local stand-  
20 ards;

21 “(II) steps the school will take to  
22 address any disproportionate increases  
23 on the basis of race, national origin,  
24 gender, or status as a limited English  
25 proficient student in school drop-out

1 rates, school rates of special education  
2 student placements, school discipli-  
3 nary and suspension rates and grade-  
4 level retention rates;

5 “(III) steps the school will take  
6 to reduce the number of dropouts;

7 “(IV) steps the school will take  
8 to supplement and not supplant the  
9 program for economically deprived  
10 and limited English proficient stu-  
11 dents;

12 “(V) steps the school will take to  
13 provide linguistically accessible chal-  
14 lenging content and curriculum and to  
15 ensure that the school program serves  
16 limited-English proficient students to  
17 the same extent it serves participating  
18 non-limited English proficient stu-  
19 dents and the extent limited-English  
20 proficient students are included;

21 “(VI) steps the school will take  
22 to provide maximum coordination be-  
23 tween services provided under this  
24 chapter and services provided to ad-  
25 dress a student’s handicapping condi-

1           tions or limited-English proficiency, in  
2           order to increase program effective-  
3           ness, eliminate duplication and reduce  
4           fragmentation of the students' pro-  
5           grams; and

6                   “(VII) steps the school will take  
7           to ensure parent involvement pursu-  
8           ant to section 1016; and

9                   “(iii) the plan shall include a budget  
10          and a timeline for staff development and  
11          school improvement activities.

12          Plans submitted before States have adopted  
13          new standards and assessment systems should  
14          be based on an analysis of available data on  
15          student achievement, on a review of content and  
16          performance standards generated by profes-  
17          sional organizations and a comparison of in-  
18          structional practice at the school with available  
19          research and professional standards of best  
20          practice.

21               “(B) ASSISTANCE TO STUDENTS.—Each  
22          participating school shall undertake measures  
23          to ensure that economically deprived students  
24          who experience difficulty mastering any of the  
25          standards during the course of the school year

1 shall be provided with effective, timely addi-  
2 tional assistance, which shall include—

3 “(i) measures to ensure that students’  
4 difficulties are identified on a timely basis  
5 and with sufficient particularity to provide  
6 effective assistance;

7 “(ii) periodic training for teachers on  
8 how to identify such difficulties and to pro-  
9 vide assistance to individual students;

10 “(iii) for any student who has not  
11 demonstrated proficiency in mastering the  
12 standards in subsection (a), a joint review  
13 at least annually by the student’s teacher  
14 and parents, of the results of the student’s  
15 assessment required by section 1020, at  
16 which time the teacher and parents shall  
17 also discuss what the school will do to help  
18 the student meet the standards, what the  
19 parents can do to help the student improve  
20 his or her performance, and additional as-  
21 sistance which may be available to the stu-  
22 dent at the school or elsewhere in the com-  
23 munity; and

24 “(iv) measures to ensure that all par-  
25 ents, including those with limited literacy

1           or limited-English proficiency, have the  
2           necessary information and other assistance  
3           to participate fully in the review required  
4           by subsection (iii).

5           “(C) Each participating school shall spend  
6           not less than 10 percent in 1995 and 1996, 18  
7           percent in 1997, and 20 percent in 1998 and  
8           each year thereafter, of funds received annually  
9           under this chapter on staff development and  
10          school improvement programs and activities au-  
11          thorized by this section.

12          “(3) PARTICIPATING LOCAL EDUCATIONAL  
13          AGENCIES.—(A) Prior to receiving any funds under  
14          this chapter, and every two years thereafter, each  
15          participating local educational agency shall develop  
16          and implement a districtwide plan which shall—

17                 “(i) be based on analyses of reliable data  
18                 of student achievement patterns for the local  
19                 educational agency as a whole, and by school,  
20                 separately stated by race, national origin, gen-  
21                 der, status as a limited-English proficient stu-  
22                 dent, and status as an economically deprived  
23                 student;

24                 “(ii) be based on analyses of grade-level re-  
25                 tentions, drop-outs, special education student

1 placement, and suspension and other discipli-  
2 nary actions, separated by race, national origin,  
3 gender, status as a limited-English proficient  
4 student;

5 “(iii) include a description of the steps the  
6 local educational agency will take to ensure all  
7 students to be served by the program are given  
8 access to the same challenging content and be  
9 held to the same expectations as those for all  
10 other students in the district;

11 “(iv) include a description of the steps to  
12 be taken to ensure that the individual school  
13 programs serve limited-English proficient stu-  
14 dents to the same extent they serve participat-  
15 ing nonlimited-English proficient students, sup-  
16 plement and do not supplant the services being  
17 provided to economically deprived and limited-  
18 English proficient students, provide linguis-  
19 tically accessible challenging content and cur-  
20 riculum for limited-English proficient students,  
21 provide linguistically accessible classroom and  
22 library materials for limited-English proficient  
23 students, provide for bilingual aides, and if 5  
24 percent or more of the enrolled students in the  
25 district are identified as limited-English pro-



1           ficient and there is a lack of bilingual teachers,  
2           institute a recruitment program to hire addi-  
3           tional bilingual teachers;

4           “(v) include a description of the steps to  
5           be taken districtwide to reduce the number of  
6           dropouts; and

7           “(vi) include a description of steps to ad-  
8           dress any disproportionate increases district-  
9           wide or at individual schools on the basis of  
10          race, national origin, gender, and status as a  
11          limited-English proficient student in school and  
12          students as an economically deprived student in  
13          school, drop-out rates, rates of special education  
14          placements, disciplinary and suspension rates,  
15          and grade-level retention rates;

16          “(B) In developing its plan, the local edu-  
17          cational agency shall consider the student achieve-  
18          ment plans and budgets developed by each partici-  
19          pating school pursuant to section 1012(c)(2), and  
20          shall identify any additional programs for staff de-  
21          velopment and school improvement, including a  
22          budget, that the local educational agency may decide  
23          to undertake utilizing Chapter 1 funds. The local  
24          educational agency shall involve teachers, other pro-  
25          fessional staff, parent representatives and commu-

1 nity representatives in developing the districtwide  
2 plan.

3 “(C) Notwithstanding the requirements of sub-  
4 section (3), each local educational agency shall sub-  
5 mit its budget for programs funded under this chap-  
6 ter to the State educational agency on an annual  
7 basis.

8 “(4) STATE EDUCATIONAL AGENCIES.—Each  
9 State educational agency shall design and carry out  
10 a strategy to ensure the availability of high-quality  
11 professional development and school improvement  
12 assistance to participating local educational agencies  
13 and schools.

14 “(A) In consultation with local educational  
15 agencies, teacher and parent representatives,  
16 paraprofessionals, and university and other pro-  
17 viders of staff development services, the State  
18 educational agency shall—

19 “(i) conduct an analysis of the sources  
20 of assistance, public and private, currently  
21 available to local educational agencies and  
22 schools for staff development and school  
23 improvement and of the adequacy of these  
24 sources in enabling local educational agen-  
25 cies and schools to help economically de-

1           prived students, including limited English  
2           proficient students, meet the standards re-  
3           quired by section 1012(a);

4           “(ii) develop initiatives to increase the  
5           resources available for staff development  
6           and school improvement, including re-  
7           sources to assist teachers with curricular,  
8           instructional, assessment and pedagogical  
9           strategies for economically deprived stu-  
10          dents and making subject matter content  
11          linguistically accessible to limited English  
12          proficient students, to assist principals  
13          with leadership and management training,  
14          to assist counselors and school aides with  
15          techniques for supporting high achieve-  
16          ment, to assist staff to recruit additional  
17          bilingual teachers and bilingual aides, and  
18          to provide parents with the means to orga-  
19          nize and sustain school improvement ef-  
20          forts; and

21          “(iii) disseminate to local educational  
22          agencies and schools information about  
23          educational practices and programs which  
24          will assist them in meeting the standards  
25          required by section 1012(a), including staff

1 development programs offered by univer-  
2 sities and private providers.

3 “(B) Each State educational agency shall  
4 ensure to all local educational agencies and  
5 schools within its jurisdiction the availability  
6 of—

7 “(i) assistance aimed at building the  
8 organizational capacity of the school as a  
9 whole, including helping the staff to learn  
10 how to analyze student achievement data,  
11 to develop and implement plans for school  
12 improvement, to remove barriers to student  
13 success, and to monitor progress; and

14 “(ii) assistance with particular tasks  
15 such as redesigning science curricula, im-  
16 proving instruction in reading, improving  
17 instruction to ensure linguistically acces-  
18 sible content curricula for limited English  
19 proficient students, enhancing skills of key  
20 professionals, and engaging parents.

21 “(C) State Educational Agency Plan and  
22 Self Evaluation:

23 “(i) On or before January 1, 1996,  
24 the State educational agency shall prepare  
25 and submit to the Secretary, with its appli-

1 cation for assistance, an initial plan and  
2 annual budget for programs and activities  
3 to be undertaken pursuant to section 1012.

4 “(ii) In each succeeding year, the  
5 State educational agency shall submit to  
6 the Secretary, with its application, an an-  
7 nual budget, and every two years, a revised  
8 plan and self-evaluation of programs and  
9 activities conducted during the preceding  
10 years pursuant to this section.

11 “(5) ELIGIBILITY.—

12 “(A) All principals and other administra-  
13 tors, certified teachers and other staff, and  
14 paraprofessionals employed in participating  
15 schools are eligible to participate in staff devel-  
16 opment and school improvement programs  
17 funded in whole or in part under this section.

18 “(B) To the extent that State educational  
19 agencies and local educational agencies under-  
20 take staff development programs, where the  
21 beneficiaries of such programs include children  
22 in schools eligible and ineligible to receive funds  
23 under this chapter, such funds may be used to  
24 pay for that portion of the program’s cost that  
25 can be apportioned to participants employed in

1 schools that receive funds under this chapter,  
2 provided however that the programs are de-  
3 signed with an ultimate objective of enabling  
4 students who attend participating schools to  
5 achieve at the high levels required under this  
6 chapter.

7 “(6) GUIDELINES FOR EFFECTIVE STAFF DE-  
8 VELOPMENT AND SCHOOL IMPROVEMENT.—

9 “(A) The Secretary of Education, not later  
10 than September 1, 1996, shall publish guide-  
11 lines for programs and activities funded under  
12 this section, which shall include—

13 “(i) characteristics of effective staff  
14 development programs for the education of  
15 economically deprived children;

16 “(ii) characteristics of effective ap-  
17 proaches to schoolwide improvements;

18 “(iii) characteristics of effective par-  
19 ent education and involvement programs;  
20 and

21 “(iv) examples of programs that have  
22 been demonstrated to be effective in  
23 achieving the purposes of this Chapter.

24 “(B) In specifying the characteristics of ef-  
25 fective staff development and school improve-

1           ment in guidelines adopted pursuant to sub-  
2           paragraph (A), the Secretary shall take into ac-  
3           count factors including—

4                   “(i) whether the program provides  
5                   sufficient time (including release time for  
6                   teachers) and personnel for both training  
7                   and follow-up activities, including feedback  
8                   to, and supervision of participants who  
9                   have completed the training, and ongoing  
10                  time for instructional planning;

11                  “(ii) whether staff development activi-  
12                  ties are part of an overall school improve-  
13                  ment plan; and

14                  “(iii) whether participants are assured  
15                  sufficient resources (books, other material,  
16                  supplies, equipment, and bilingual aides  
17                  and support staff) to use the training ef-  
18                  fectively in the classroom.

19                  “(C) The guidelines shall be disseminated  
20                  widely to State educational agencies, to local  
21                  educational agencies, and to parent and teacher  
22                  associations.

23                  “(7) OTHER MEASURES TO IMPROVE TEACH-  
24                  ING.—

1           “(A) State and local educational agencies  
2           shall take steps to ensure that teachers in par-  
3           ticipating schools receive, from funding sources  
4           other than this chapter, at least a proportionate  
5           share of staff development and other programs  
6           designed to update their skills and knowledge.

7           “(B) State and local educational agencies  
8           are encouraged to establish other programs for  
9           teachers and paraprofessionals in participating  
10          schools to update and enhance their skills and  
11          knowledge. Such programs may include tuition  
12          reimbursement programs, internships, partici-  
13          pation in conferences and professional organiza-  
14          tions, career ladders and other incentives de-  
15          signed to assist teacher aides in becoming fully  
16          certified teachers, especially programs designed  
17          to increase the number of certified bilingual  
18          teachers. Local educational agencies shall re-  
19          quire participating staff to make a contractual  
20          commitment to remain at their school for a pe-  
21          riod of time as a condition for receiving such  
22          training or other benefits under this subsection.

23   **“SEC. 1013. ELIGIBLE SCHOOLS.**

24          “(a) GENERAL PROVISIONS.—



1           “(1) Subject to subsection (b) a local edu-  
2           cational agency shall use funds received under this  
3           chapter in school attendance areas having high con-  
4           centrations of children from low-income families (re-  
5           ferred to in this section as “eligible school attend-  
6           ance areas”) in which it determines that high-quality  
7           programs can be designed and conducted in a man-  
8           ner reasonably calculated to ensure that all children  
9           in attendance at such schools will achieve the stand-  
10          ards required by section 1012. Where funds under  
11          this chapter are insufficient to provide high quality  
12          programs and projects, a local educational agency  
13          shall annually rank its eligible school attendance  
14          areas in which the continuation of children from low-  
15          income families exceeds 75 percent from highest to  
16          lowest within each grade span grouping or for the  
17          entire local educational agency, according to the per-  
18          centage of children from low-income families. A local  
19          educational agency may carry out a program or  
20          project assisted under this chapter in an eligible  
21          school attendance area only if it also carries out  
22          such program or project in all other eligible school  
23          attendance areas which are ranked higher under the  
24          first sentence of this paragraph.

1           “(2) The same measure of low income, which  
2           shall be selected by the local educational agency on  
3           the basis of the best and most current available  
4           data, which may be a composite of several indicators  
5           including census data, augmented by free or reduced  
6           lunch program participation data and any local esti-  
7           mates collected by or available to local educational  
8           agencies, shall be used with respect to all school at-  
9           tendance areas within a grade span grouping or for  
10          the entire local educational agency, both to identify  
11          the areas having high concentrations of children  
12          from low-income families and to determine the rank-  
13          ing of each area. Notwithstanding other provisions  
14          of this chapter, data from aid to families with de-  
15          pendent children shall not be employed as a measure  
16          of low income.

17          “(3) The requirements of this subsection shall  
18          not apply in the case of a local educational agency  
19          with a total enrollment of less than 1,000 children,  
20          but this paragraph does not relieve such an agency  
21          from the responsibility to serve eligible children ac-  
22          cording to the provisions of section 1014.

23          “(b) LOCAL EDUCATIONAL AGENCY DISCRETION.—  
24          Notwithstanding subsection (a)(1) of this section, a local

1 educational agency shall have discretion to identify and  
2 rank eligible attendance areas as follows:

3           “(1) DESIGNATION OF SCHOOL ATTENDANCE  
4 AREA.—A local educational agency may designate  
5 any school attendance area in which at least 50 per-  
6 cent of the children are from low-income families as  
7 an eligible school attendance area if the aggregate  
8 amount expended under this chapter and under a  
9 State program meeting the comparability require-  
10 ments of section 1018(d)(1)(B) in that fiscal year in  
11 each school attendance area of that agency eligible  
12 under subsection (a) in which projects assisted  
13 under this chapter were carried out in the preceding  
14 fiscal year equals or exceeds the amount expended  
15 from those sources in that area in such preceding  
16 fiscal year.

17           “(2) INELIGIBLE SCHOOL ATTENDANCE  
18 AREA.—Funds received under this part may be used  
19 for economically deprived children who are in a  
20 school which is not located in an eligible school at-  
21 tendance area when the percentage of students from  
22 low-income families enrolled in a school is substan-  
23 tially equal to, or greater than, the proportion of  
24 students from low-income families in an eligible

1 school attendance area of the local educational agen-  
2 cy.

3 “(3) MINIMUM REQUIREMENT.—Notwithstand-  
4 ing the ineligibility of the schools under paragraphs  
5 (1) and (2), a public school is eligible if it is partici-  
6 pating in a desegregation plan and the number of  
7 low-income children enrolled in the school is at least  
8 100 or represents at least ten percent of the total  
9 school enrollment.

10 “(4) SUBSEQUENT DESIGNATION.—If an eligi-  
11 ble school attendance area or eligible school was so  
12 designated and served in accordance with subsection  
13 (a) in the immediately preceding fiscal year, it may  
14 continue to be so designated for the subsequent fis-  
15 cal year even though it does not qualify as eligible  
16 under such subsection in such additional year.

17 “(5) HIGHER NUMBER OR PROPORTION OF  
18 LOW-INCOME FAMILIES.—With the approval of the  
19 State educational agency, eligible school attendance  
20 areas or eligible schools which have higher propor-  
21 tions or numbers of children from low-income fami-  
22 lies may be skipped if they are receiving, from  
23 non-Federal funds, services of the same nature and  
24 scope as would otherwise be provided under this  
25 part, except that—

1           “(A) the number of children attending pri-  
2           vate elementary and secondary schools who re-  
3           ceive services under this part shall be deter-  
4           mined without regard to non-Federal compen-  
5           satory education funds which serve eligible chil-  
6           dren in public elementary and secondary  
7           schools, and

8           “(B) children attending private elementary  
9           and secondary schools who receive assistance  
10          under this part shall be identified in accordance  
11          with this section and without regard to skipping  
12          public school attendance areas or schools under  
13          this paragraph.

14          “(c) ALLOCATIONS.—A local educational agency shall  
15          allocate funds equally to school attendance areas or eligi-  
16          ble schools under this chapter on the basis of the number  
17          of children from low-income families enrolled.

18          **“SEC. 1014. ELIGIBLE CHILDREN.**

19          “(a) GENERAL PROVISIONS.—The eligible population  
20          for services under this part are—

21                  “(1) children up to age 21 who are entitled to  
22                  a free public education through grade 12, and

23                  “(2) children who are not yet at a grade level  
24                  where the local educational agency provides a free  
25                  public education, yet are of an age at which they can

1 benefit from an organized instructional program pro-  
2 vided in a school or other educational setting.

3 “(b) LIMITED-ENGLISH PROFICIENT CHILDREN.—  
4 Limited-English proficient children shall be eligible for  
5 participation to the same extent as other participating  
6 children.

7 “(c) SPECIAL RULE.—Nothing in this chapter shall  
8 be construed to prohibit the participation of any child in  
9 a program or activity funded in whole or in part under  
10 this chapter on grounds that the child has not been identi-  
11 fied as educationally deprived.

12 **“SEC. 1015. PARENTAL INVOLVEMENT.**

13 “(a) GENERAL REQUIREMENTS.—Each school that  
14 receives funds under this chapter shall implement pro-  
15 grams, activities, and procedures for the involvement of  
16 parents and other responsible family members, which shall  
17 be planned and implemented together with parents of chil-  
18 dren enrolled at the school and shall be of sufficient size,  
19 scope, and quality to give reasonable promise of achieving  
20 goals that include—

21 “(1) the empowerment of parents and other re-  
22 sponsible family members to contribute to the at-  
23 tainment by their children of the high-level skills and  
24 knowledge called for under this chapter;

1           “(2) the provision for parents with the means  
2           by which to understand the standards and the other  
3           requirements of this chapter, and to hold schools ac-  
4           countable for implementing and achieving the chap-  
5           ter’s purposes;

6           “(3) the achievement of full and effective par-  
7           ticipation of parents, and, in the case of secondary  
8           schools, students, in district and school-based plan-  
9           ning, design, and implementation of programs and  
10          activities required under this chapter to ensure that  
11          as large a sector of the school community as possible  
12          is working to effectively promote the outcomes re-  
13          quired by this chapter;

14          “(4) the inclusion of parents, and, in the case  
15          of secondary schools, students, in the school-based  
16          process required under this chapter, including—

17               “(A) consideration and development of  
18               local standards pursuant to section 1012(a)(3);  
19               and

20               “(B) the development of school achieve-  
21               ment plans pursuant to section 1012(c)(2);

22          “(5) the identification of parents and other  
23          family members of participating children who could  
24          benefit from programs to improve literacy, English  
25          language, and other basic skills to more effectively

1 work with their children in the home to attain the  
2 instructional objectives of programs, and to better  
3 understand the program standards and requirements  
4 under this chapter; and

5 “(6) the training of teachers and other staff in-  
6 volved in programs under this chapter to work effec-  
7 tively with the parents of participating students and  
8 build a partnership between home and school.

9 “(b) MECHANISMS FOR PARENT INVOLVEMENT.—

10 “(1) Each participating school shall establish a  
11 parental involvement program that has the following  
12 components:

13 “(A) Effective notice shall be provided to  
14 all parents of a school’s participation in the  
15 program, and of a meeting that will be held at  
16 the beginning of the school year to inform such  
17 parents of the requirements of this chapter, and  
18 of the programs and activities provided with  
19 funds under this chapter, and to determine the  
20 process for jointly developing a written plan for  
21 parent involvement. The initial notice, times,  
22 places, and substance of the meeting shall be  
23 planned with parents to maximize parent par-  
24 ticipation, with particular focus on reaching and  
25 involving all sectors of the parent body, includ-



1           ing those with limited-literacy or limited-Eng-  
2           lish proficiency.

3           “(B) Parents in each participating school  
4           shall determine how to organize to consult with  
5           the school officials, communicate among them-  
6           selves, and to develop other opportunities for in-  
7           volvement in education. Parents shall have the  
8           discretion to determine the role, if any, of other  
9           individuals in the organization. The duly con-  
10          stituted parent organizations, their elected offi-  
11          cers, and their elected representatives shall be  
12          consulted in the development implementation of  
13          the program.

14          “(C) School officials and the organization  
15          of parents shall then jointly develop, with final  
16          approval by each, a written parent involvement  
17          plan. The plan shall be designed to achieve the  
18          full involvement of parents in the design, oper-  
19          ation, and evaluation of programs, and in the  
20          education of their children, and shall provide  
21          the resources and support needed for parent in-  
22          volvement activities. All parents, and in the  
23          case of secondary schools, all students, shall be  
24          given an effective opportunity to participate in  
25          the formation of the plan. The final version of

1 the plan shall be provided to all the parents and  
2 incorporated into the school achievement plan  
3 required by section 1012(c)(2). The parent in-  
4 volvement plans shall state in a detailed and  
5 comprehensible manner, at a minimum, the spe-  
6 cific means for carrying out each requirement  
7 contained in subsection (c).

8 “(D) An annual evaluation of parent in-  
9 volvement shall be conducted, with full parent  
10 participation, that assesses the effectiveness of  
11 parent involvement, and identifies any barriers  
12 to greater participation, and any steps needed  
13 to expand participation and, if necessary, to re-  
14 vise the policy. As part of this evaluation, the  
15 school officials and parents shall identify and  
16 take steps to remove barriers resulting in lower  
17 rates of participation in the parent organization  
18 and in all phases of the parent involvement pro-  
19 gram by parents who are low-income, have lim-  
20 ited literacy, or have limited-English pro-  
21 ficiency, or parents from any racial, ethnic or  
22 linguistic background.

23 “(E) If secondary schools are included in  
24 the local program, students shall be involved in  
25 developing, through similar mechanisms, a pol-

1           icy for full involvement of students in the de-  
2           sign and implementation of the program.

3           “(F) Each school shall ensure that parents  
4           of limited-English proficient children are af-  
5           forded the same access to parent involvement  
6           opportunities as the access limited-English pro-  
7           ficient children are afforded to the programs  
8           funded under this chapter. The schools are au-  
9           thorized to hire parent involvement facilitators  
10          who are fluent in the non-English languages  
11          represented among the children served at the  
12          schools receiving funds under this chapter. The  
13          school shall make every effort feasible to pro-  
14          vide all information to parents with limited-  
15          English proficiency in a language and form the  
16          parents understand.

17          “(2) Each local educational agency that receives  
18          funds under this chapter—

19               “(A) shall ensure participating schools’  
20               compliance with this section;

21               “(B) shall provide the coordination, tech-  
22               nical assistance, and other support necessary to  
23               assist participating schools in planning and im-  
24               plementing effective parent involvement;

1           “(C) shall establish a local parent resource  
2           center, to assist parents to participate in the  
3           parent involvement activities, except that local  
4           educational agencies whose allocation is less  
5           than the median allocation to all local edu-  
6           cational agencies under this chapter may estab-  
7           lish a center as a consortium with other local  
8           educational agencies, provided that such center  
9           is accessible to the parents of each agency; and

10           “(D) shall reserve not less than 1 percent  
11           of its allocation for carrying out the require-  
12           ments of this section.

13           “(c) PARENT INVOLVEMENT PROGRAMS AND ACTIVI-  
14           TIES.—Each participating school and parents, and each  
15           local educational agency and parents, together shall, in ac-  
16           cordance with subsection (b)(1)(C), decide how to achieve  
17           the goals contained in subsection (a), including—

18           “(1) a comprehensive range of effective oppor-  
19           tunities for parents to be involved, in an organized  
20           and timely way, in all aspects of program planning,  
21           design, implementation, and evaluation, including  
22           the joint development and final approval of the  
23           school achievement plan, including the uses of funds  
24           under this chapter;

1           “(2) timely response to the concerns and rec-  
2       ommendations of parents;

3           “(3) effective involvement of parents in the edu-  
4       cation of their own children through family language  
5       development programs, through support for the ef-  
6       forts of parents to work with their children at home  
7       to attain the instructional objectives of this chapter,  
8       and through opportunities for parent participation in  
9       school, including—

10           “(A) training of parents in areas including  
11       helping their children learn more effectively,  
12       working with educators, monitoring student  
13       progress, and understanding and evaluating the  
14       program, its requirements, and the curriculum;  
15       and

16           “(B) the development and dissemination of  
17       materials and other assistance to implement  
18       home-based education activities that reinforce  
19       classroom instruction and student motivation;

20           “(4) the timely provision, in a manner and form  
21       understandable to parents, of information needed for  
22       full and effective involvement under paragraphs (1)  
23       and (2) which, at a minimum, include—

24           “(A) annual meetings and other regular  
25       meetings at the school level throughout the

1 year, during which all parents of participating  
2 children must be informed about the standards,  
3 health and social services, assessment and en-  
4 forcement provisions as required by this chap-  
5 ter, the specific uses of funds, the specific in-  
6 structional objectives and methods that will be  
7 used in the schools, opportunities for involve-  
8 ment both at home and school, and their rights  
9 of involvement and access under this chapter as  
10 parents of children in participating schools;

11 “(B) reasonable access to observe class-  
12 rooms;

13 “(C) reasonable access to program docu-  
14 ments including the school achievement plan, all  
15 other local educational agency and school plans  
16 and applications required by this chapter, infor-  
17 mation on assessments, state and local stand-  
18 ards, and enforcement, budget information,  
19 evaluation data, and local State and Federal  
20 laws, regulations, and guidelines, all of which  
21 shall be publicized and readily available, upon  
22 request; and

23 “(D) provision to each parent of a state-  
24 ment explaining the rights of the parent’s child  
25 to educational programs and assistance which

1 conform to the requirements of section 1012.

2 The statement shall be translated, to the extent  
3 feasible, into any language that a significant  
4 percentage of the parents of participating chil-  
5 dren speak as their primary language;

6 “(5) frequent reports to parents on their chil-  
7 dren’s progress as required by section 1012 (b), and  
8 at least one parent-teacher conference per year to  
9 discuss the child’s progress, program, and place-  
10 ment, and what parents and the school can do to  
11 further academic achievement;

12 “(6) ongoing training of parents in areas, in-  
13 cluding understanding the standards and the re-  
14 quirements of this chapter, helping children learn  
15 more effectively, working with educators, forming or-  
16 ganizations and running meetings, monitoring stu-  
17 dent progress, and understanding and evaluating the  
18 program and its curriculum;

19 “(7) Such reasonable support as parents, in as-  
20 sessing their own needs, determine necessary and re-  
21 quest for activities they undertake on their own ini-  
22 tiative, such as newsletters, duplication of materials,  
23 parent meetings (and incidental costs of attending  
24 them), educational and training events, orientations,  
25 the development and operation of parent resource

1 centers, and for educational events in which parents  
2 would like to participate;

3 “(8) a separate budget for parent involvement  
4 adequate to carry out school policy;

5 “(9) training for teachers, principals, and other  
6 staff in the value and utility of contributions of par-  
7 ents, in how to communicate and work with parents  
8 as equal partners, how to implement and coordinate  
9 parent programs, and how to build ties between  
10 home and school; and

11 “(10) appropriate roles for community-based  
12 organizations in parent involvement activities, in-  
13 cluding sufficient information to such organizations  
14 about the programs and opportunities for them to  
15 work with parents and schools, including providing  
16 technical assistance and training to parents to im-  
17 plement the goals of this section.

18 **“SEC. 1016. PARTICIPATION OF CHILDREN ENROLLED IN**  
19 **PRIVATE SCHOOLS.**

20 “(a) GENERAL REQUIREMENTS.—To the extent con-  
21 sistent with the number of economically deprived children  
22 in the school district of the local educational agency who  
23 are enrolled in private elementary and secondary schools,  
24 such agency shall, after timely and meaningful consulta-  
25 tion with appropriate private school officials, make provi-



1 sions for including special educational services and ar-  
2 rangements (such as dual enrollment, educational radio  
3 and television, computer equipment and materials, other  
4 technology, and mobile educational services and equip-  
5 ment) in which such children can participate. The edu-  
6 cational services or other benefits, including materials and  
7 equipment, must be secular and nonideological. Expendi-  
8 tures for educational services and arrangements pursuant  
9 to this section for economically deprived children in pri-  
10 vate schools shall be equitable in comparison (taking into  
11 account the number of children to be served and the spe-  
12 cial educational needs of such children) to services and  
13 expenditures for children enrolled in the public schools of  
14 the local educational agency.

15 “(b) BYPASS PROVISION.—

16 “(1) If a local educational agency is prohibited  
17 by law from providing for the participation in special  
18 programs for economically deprived children enrolled  
19 in private elementary and secondary schools as re-  
20 quired by subsection (a), the Secretary shall waive  
21 such requirements, and shall arrange for the provi-  
22 sion of services to such children through arrange-  
23 ments which shall be subject to the requirements of  
24 subsection (a).

1           “(2) If the Secretary determines that a local  
2           educational agency has substantially failed to pro-  
3           vide for the participation on an equitable basis of  
4           economically deprived children enrolled in private el-  
5           ementary and secondary schools as required by sub-  
6           section (a), the Secretary shall arrange for the provi-  
7           sion of services to such children through arrange-  
8           ments which shall be subject to the requirements of  
9           subsection (a), upon which determination the provi-  
10          sions of subsection (a) shall be waived.

11          “(3) When the Secretary arranges for services  
12          pursuant to this subsection, the Secretary shall,  
13          after consultation with the appropriate public and  
14          private school officials, pay to the provider the cost  
15          of such services, including the administrative cost of  
16          arranging for such services, from the appropriate al-  
17          location or allocations under this chapter.

18          “(c) PRIOR DETERMINATION.—Any bypass deter-  
19          mination by the Secretary under title I of the Elementary  
20          and Secondary Education Act of 1965, as in effect prior  
21          to July 1, 1993, or Chapter 1 of the Education Consolida-  
22          tion and Improvement Act of 1981 shall remain in effect  
23          to the extent consistent with the purposes of this chapter.

24          “(d) CAPITAL EXPENSES.—

1           “(1) A local educational agency may apply to  
2           the State educational agency for payments for cap-  
3           ital expenses consistent with the provisions of this  
4           subsection. State educational agencies shall distrib-  
5           ute funds to local educational agencies based on the  
6           degree of need as set forth in the application. Such  
7           an application shall contain information on such  
8           capital expenses by fiscal year and shall contain an  
9           assurance that any funds received pursuant to this  
10          subsection shall be used solely for purposes of the  
11          program authorized by this chapter.

12          “(2)(A) From the amount appropriated for the  
13          purposes of this subsection for any fiscal year, the  
14          amount which each State shall be eligible to receive  
15          shall be an amount which bears the same ratio to  
16          the amount appropriated as the number of children  
17          enrolled in private schools who were served under  
18          chapter 1 of the Education Consolidation and Im-  
19          provement Act of 1981 in the State during the pe-  
20          riod July 1, 1984 through June 30, 1985, bears to  
21          the total number of such children served during such  
22          period in all States.

23          “(B) Amounts which are not used by a State  
24          for the purposes of this subsection shall be reallo-

1 cated by the Secretary among other States on the  
2 basis of need.

3 “(3) There is authorized to be appropriated  
4 \$100,000,000 for fiscal year 1995, \$150,000,000 for  
5 the fiscal year 1996, and such sums as may be nec-  
6 essary for each of the fiscal years 1997, 1998, 1999,  
7 through fiscal year 2004. Any sums appropriated  
8 under this provision shall be used for increases in  
9 capital expenses paid from funds under chapter 1 of  
10 the Education Consolidation and Improvement Act  
11 or this section subsequent to July 1, 1985, of local  
12 educational agencies in providing the instructional  
13 services required under section 557 of the Education  
14 Consolidation and Improvement Act and this section,  
15 when without such funds, services to private school-  
16 children would have been or have been reduced or  
17 would be reduced or adversely affected.

18 “(4) For the purposes of this subsection, the  
19 term ‘capital expenses’ is limited to expenditures for  
20 noninstructional goods and services such as the pur-  
21 chase, lease and renovation of real and personal  
22 property (including but not limited to mobile edu-  
23 cational units and leasing of neutral sites or space),  
24 insurance and maintenance costs, transportation,  
25 and other comparable goods and services.

1 **“SEC. 1017. FISCAL REQUIREMENTS.**

2 “(a) MAINTENANCE OF EFFORT.—

3 “(1) Except as provided in paragraph (2), a  
4 local educational agency may receive funds under  
5 this chapter for any fiscal year only if the State edu-  
6 cational agency finds that either the combined fiscal  
7 effort per student or the aggregate expenditures of  
8 that agency and the State with respect to the provi-  
9 sion of free public education by that agency for the  
10 preceding fiscal year was not less than 90 percent of  
11 such combined fiscal effort or aggregate expendi-  
12 tures for the second preceding fiscal year.

13 “(2) The State educational agency shall reduce  
14 the amount of the allocation of funds under this  
15 chapter in any fiscal year in the exact proportion to  
16 which a local educational agency fails to meet the re-  
17 quirement of paragraph (1) by falling below 90 per-  
18 cent of both the combined fiscal effort per student  
19 and aggregate expenditures (using the measure most  
20 favorable to such local agency), and no such lesser  
21 amount shall be used for computing the effort re-  
22 quired under paragraph (1) for subsequent years.

23 “(3) Each State educational agency may waive,  
24 for 1 fiscal year only, the requirements of this sub-  
25 section if the State educational agency determines  
26 that such a waiver would be equitable due to excep-

1        tional or uncontrolled circumstances such as a natu-  
2        ral disaster or a precipitous and unforeseen decline  
3        in the financial resources of the local educational  
4        agency.

5        “(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-  
6        PLANT REGULAR NON-FEDERAL FUNDS.—A State edu-  
7        cational agency or other State agency in operating its  
8        State level programs or a local educational agency may  
9        use funds received under this chapter only so as to supple-  
10       ment and, to the extent practicable, increase the level of  
11       funds that would, in the absence of such Federal funds,  
12       be made available from non-Federal sources for the edu-  
13       cation of pupils participating in programs and projects as-  
14       sisted under this chapter and in no case may such funds  
15       be so used as to supplant such funds from such non-Fed-  
16       eral sources. In order to demonstrate compliance with this  
17       subsection, no State educational agency, other State agen-  
18       cy, or local educational agency shall be required to provide  
19       services under this chapter through use of a particular in-  
20       structional method or in a particular instructional setting.

21       “(c) COMPARABILITY OF SERVICES.—

22       “(1) A local educational agency may receive  
23       funds under this chapter only if State and local  
24       funds will be used in the district of such agency to  
25       provide essential educational services in project

1 areas which, taken as a whole, are at least com-  
2 parable to essential educational services being  
3 provided in areas in such district which are not re-  
4 ceiving funds under this chapter. Where all school  
5 attendance areas in the district of the agency are  
6 designated as project areas, the agency may receive  
7 such funds only if State and local funds are used to  
8 provide essential educational services which, taken as  
9 a whole, are substantially comparable in each project  
10 area.

11 “(2) A State educational agency may receive  
12 funds under this chapter only if State and local  
13 funds will be used in the district of each local edu-  
14 cational agency to provide essential educational serv-  
15 ices which, taken as a whole, are at least comparable  
16 to essential educational services being provided in  
17 districts which are not receiving funds under this  
18 chapter. In cases in which all districts in the State  
19 receive funds under this chapter, the State may re-  
20 ceive funds only if State and local funds are used to  
21 provide essential educational services which, taken as  
22 a whole, are substantially comparable in each dis-  
23 trict.

24 “(3) ASSURANCES.—

1           “(A) A local educational agency shall be  
2           considered to have met the requirements of  
3           paragraph (1) if it has filed with the State edu-  
4           cational agency a written assurance that it has  
5           established and implemented a policy to ensure  
6           the delivery of comparable essential educational  
7           services to all participating children based on  
8           comparable needs.

9           “(B) A State educational agency shall be  
10          considered to have met the requirements of  
11          paragraph (2) if it has filed with the Secretary  
12          a written assurance that it has established and  
13          implemented a policy to ensure the delivery of  
14          comparable essential educational services to all  
15          participating children based on comparable  
16          needs.

17          “(C) Unpredictable changes in student en-  
18          rollment or personnel assignments which occur  
19          after the beginning of a school year shall not be  
20          included as a factor in determining comparabil-  
21          ity of services.

22          “(4) Each educational agency shall develop pro-  
23          cedures for compliance with the provisions of this  
24          subsection, and shall annually maintain records doc-  
25          umenting compliance. Each State educational agency



1 shall monitor the compliance of local educational  
2 agencies within the State with respect to the require-  
3 ments of this subsection.

4 “(5) Each local educational agency with not  
5 more than one building for each grade span shall not  
6 be subject to the provisions of this subsection.

7 “(6) Each State and local educational agency  
8 which is found to be out of compliance with this sub-  
9 section shall be ineligible for funds under this chap-  
10 ter.

11 “(d) EXCLUSION OF SPECIAL STATE AND LOCAL  
12 PROGRAM FUNDS.—

13 “(1)(A) For the purposes of determining com-  
14 pliance with the requirements of subsections (b) and  
15 (c), State and local educational agencies or a State  
16 agency operating a program under part D of this  
17 chapter may exclude State and local funds expended  
18 for carrying out special programs to meet the edu-  
19 cational needs of economically deprived children  
20 after prior determination pursuant to paragraphs  
21 (3) and (4) of this subsection that such programs  
22 meet the requirements of subparagraph (B).

23 “(B) A State or local program meets the re-  
24 quirements of this subparagraph if it is similar to  
25 programs assisted under this part. The Secretary

1 shall consider a State or local program to be similar  
2 to programs assisted under this part if—

3 “(i) all children participating in the pro-  
4 gram are economically deprived,

5 “(ii) the program is based on similar per-  
6 formance objectives related to educational  
7 achievement and is evaluated in a manner con-  
8 sistent with those performance objectives,

9 “(iii) the program provides supplementary  
10 services designed to meet the special edu-  
11 cational needs of the children who are partici-  
12 pating,

13 “(iv) the local educational agency keeps  
14 such records and affords such access thereto as  
15 are necessary to assure the correctness and ver-  
16 ification of the requirements of this subpara-  
17 graph, and

18 “(v) the State educational agency monitors  
19 performance under the program to assure that  
20 the requirements of this subparagraph are met.

21 “(2)(A) For the purpose of determining compli-  
22 ance with the requirements of subsection (c), a local  
23 educational agency may exclude State and local  
24 funds expended for—

1           “(i) bilingual education for children of lim-  
2           ited English proficiency,

3           “(ii) special education for children with  
4           disabilities, and

5           “(iii) certain State phase-in programs as  
6           described in subparagraph (B).

7           “(B) A State education program which is being  
8           phased into full operation meets the requirements of  
9           this subparagraph if the Secretary is satisfied that—

10           “(i) the program is authorized and gov-  
11           erned specifically by the provisions of State law;

12           “(ii) the purpose of the program is to pro-  
13           vide for the comprehensive and systematic re-  
14           structuring of the total educational environment  
15           at the level of the individual school;

16           “(iii) the program is based on objectives,  
17           including but not limited to, performance objec-  
18           tives related to educational achievement and is  
19           evaluated in a manner consistent with those ob-  
20           jectives;

21           “(iv) parents and school staff are involved  
22           in comprehensive planning, implementation, and  
23           evaluation of the program;

1           “(v) the program will benefit all children in  
2           a particular school or grade-span within a  
3           school;

4           “(vi) schools participating in a program  
5           describe, in a school level plan, program strate-  
6           gies for meeting the special educational needs  
7           of economically deprived children;

8           “(vii) at all times during such phase-in pe-  
9           riod at least 50 percent of the schools partici-  
10          pating in the program are the schools serving  
11          project areas which have the greatest number  
12          or concentrations of economically deprived chil-  
13          dren;

14          “(viii) State funds made available for the  
15          phase-in program will supplement, and not sup-  
16          plant, State and local funds which would, in the  
17          absence of the phase-in program, have been  
18          provided for schools participating in such pro-  
19          gram;

20          “(ix) the local educational agency is sepa-  
21          rately accountable, for purposes of compliance  
22          with the clauses of this subparagraph, to the  
23          State educational agency for any funds ex-  
24          pended for such program; and

1           “(x) the local educational agencies carrying  
2           out the program are complying with the clauses  
3           of this subparagraph and the State educational  
4           agency is complying with applicable provisions  
5           of this paragraph.

6           “(3) The Secretary shall make an advance de-  
7           termination of whether or not a State program  
8           meets the requirements of this subsection. The Sec-  
9           retary shall require each State educational agency to  
10          submit the provisions of State law together with im-  
11          plementing rules, regulations, orders, guidelines, and  
12          interpretations which are necessary for an advance  
13          determination. The Secretary’s determination shall  
14          be in writing and shall include the reasons for the  
15          determination. Whenever there is any material  
16          change in pertinent State law affecting the program,  
17          the State educational agency shall submit such  
18          changes to the Secretary.

19          “(4) The State educational agency shall make  
20          an advance determination of whether or not a local  
21          program meets the requirements of this subsection.  
22          The State educational agency shall require each local  
23          educational agency to submit the provisions of local  
24          law, together with implementing rules, regulations,  
25          guidelines, and interpretations which are necessary

1 to make such an advance determination. The State  
2 educational agency's determination shall be in  
3 writing and shall include the reasons for the deter-  
4 mination. Whenever there is any material change in  
5 pertinent local law affecting the program, the local  
6 educational agency shall submit such changes to the  
7 State educational agency.

8 **“SEC. 1018. HEALTH AND SOCIAL SERVICES.**

9 “(a) PURPOSES.—The obligations imposed on States,  
10 State educational agencies and local educational agencies  
11 under this section are for the purposes of assuring that  
12 to the extent practicable, all school-aged children who are  
13 eligible to participate in programs under this chapter enter  
14 school ready and able to learn and have access to health  
15 and social services sufficient to enable them to attend  
16 school on a regular basis and to achieve the high-level  
17 standards required under section 1012.

18 “(b) STATE PLAN TO ELIMINATE BARRIERS TO  
19 LEARNING.—By January 1, 1996, and every two years  
20 thereafter, each governor in consultation with the State  
21 educational agency and other appropriate State agencies,  
22 shall develop and submit to the Secretary a plan which  
23 shall be coordinated with any existing State plan that  
24 identifies, on a local educational agency and statewide  
25 basis—

1           “(1) barriers to learning experienced by eco-  
2           nomically deprived children that stem from factors  
3           external to the public school system, (including poor  
4           health, poor nutrition, inadequate housing, and lack  
5           of appropriate preschool and before- and after-school  
6           supervision), that could be ameliorated by the provi-  
7           sion of appropriate services by the local educational  
8           agency or by referral of the children and their fami-  
9           lies to service providers other than the local edu-  
10          cational agency;

11           “(2) the health, social services, and early edu-  
12          cational programs necessary to ensure the attain-  
13          ment of the readiness, attendance, and achievement  
14          objectives described in subsection (a);

15           “(3) how programs funded from a variety of  
16          sources, including other Federal sources, are or will  
17          be coordinated in a systematic way, on a statewide  
18          basis, to ensure maximum effectiveness in the deliv-  
19          ery of services to children and families with the ob-  
20          jective of eliminating barriers to learning described  
21          in subsection (b)(1);

22           “(4) on a local educational agency basis, the ex-  
23          tent to which such services are unavailable, inacces-  
24          sible, or underutilized by the economically deprived  
25          student population and their families, including bar-

1       riers to obtaining services faced by single or working  
2       parent families and by families with limited literacy  
3       or limited-English proficiency;

4           “(5) measures that will be taken by the State  
5       educational agency and by other State agencies to  
6       increase access to and availability of the services  
7       identified in subsection (b)(2), including—

8           “(A) integration of services, so that one  
9       agency may provide or coordinate a variety of  
10      services for which a family may be eligible;

11          “(B) colocation of health and social serv-  
12      ices at school sites that receive funds under this  
13      chapter to ensure, inter alia, that Medicaid-eli-  
14      gible children receive early and periodic screen-  
15      ing, diagnosis and treatment services;

16          “(C) establishment of multiservice centers  
17      for low-income families at or near school sites;

18          “(D) adjustments to service eligibility re-  
19      quirements and other regulatory or statutory  
20      changes to facilitate access to services; and

21          “(E) expansion of existing State or local  
22      programs or the creation and funding of new  
23      programs designed to meet the objectives of  
24      subsection (a).



1           “(6) In developing the plan required pursuant  
2           to subsection (b), the Governor shall consult with  
3           and involve—

4                   “(A) the State educational agency;

5                   “(B) State and local government agencies  
6           charged with providing health and social serv-  
7           ices to children and families;

8                   “(C) participating local educational agen-  
9           cies;

10                   “(D) private and nonprofit entities en-  
11           gaged in child advocacy, resource, and referral  
12           and entities that provide direct services to chil-  
13           dren and families, including Head Start and  
14           other programs or facilities providing early  
15           childhood services; and

16                   “(E) parent and teacher representatives.

17           “(7) Copies of the plan shall be furnished to the  
18           State educational agency, to each local educational  
19           agency and to all public agencies that provide  
20           health, welfare and social services to children and  
21           their families. The plan shall specifically identify the  
22           barriers that are within the jurisdiction of such  
23           agencies. Copies shall also be provided to statewide  
24           parent and teacher organizations.

1           “(8) By January 1, 1997, each State shall  
2       begin implementation of the measures specified in  
3       subsection (b)(5). The State educational agency  
4       shall report by January 1, 1999, and every two  
5       years thereafter to the Secretary on progress in  
6       eliminating the barriers identified in subsection  
7       (b)(1) and on providing the services called for by  
8       subsection (b)(2). Copies of the annual reports shall  
9       be furnished to the Governor, to State health and  
10      social service agencies, to all local educational agen-  
11      cies, and to statewide parent and teacher organiza-  
12      tions.

13      “(c) LOCAL EDUCATIONAL AGENCIES REPORT.—By  
14      June 1, 1996, each participating local educational agency  
15      shall identify and report to the State educational agency—

16           “(1) barriers to learning experienced by eco-  
17      nomically deprived children which stem from fac-  
18      tors—

19           “(A) external to the public school system,  
20           (including poor health, poor nutrition, inad-  
21           equate housing, and lack of appropriate pre-  
22           school and before- and after-school supervision);  
23           and

24           “(B) internal to the public school system  
25           (including poor or inadequate facilities, insuffi-

1           cient staff and other resources, and lack of par-  
2           ticipation in Federally subsidized school nutri-  
3           tion programs) that could be ameliorated by the  
4           provision of appropriate services by the local  
5           educational agency or by referral of the children  
6           and their families to service providers other  
7           than the local educational agency;

8           “(2) the extent to which the health, social serv-  
9           ice, and early educational inputs necessary to ensure  
10          the attainment of the readiness, attendance, and  
11          achievement objectives described in subsection (a)  
12          are unavailable, inaccessible, or underutilized by the  
13          economically deprived student population and their  
14          families;

15          “(3) the extent to which locally-based collabo-  
16          rative efforts among education, health, and social  
17          service providers might facilitate increased access  
18          and effective delivery of the services;

19          “(4) the extent to which additional resources  
20          are needed by the local educational agency to accom-  
21          plish the purposes of this section;

22          “(5) the measures that will be undertaken lo-  
23          cally to ameliorate or eliminate the barriers de-  
24          scribed in paragraphs (1) and (2), and to comply  
25          with subsection (d); and

1           “(6) in preparing its report pursuant to sub-  
2           section (c), each local educational agency shall con-  
3           sult with county and municipal health and social  
4           service providers, housing officials, Head Start and  
5           other early childhood providers, and organizations  
6           representing parents and teachers.

7           “(d) DUTY OF LOCAL EDUCATIONAL AGENCIES.—

8           “(1) Each local educational agency shall ensure  
9           that all participating children attending schools re-  
10          ceiving funds under this chapter are—

11               “(A) fully immunized upon entry to school;

12               “(B) screened for nutritional and devel-  
13               opmental deficiencies, for hearing and vision  
14               problems that may impair learning, for alcohol  
15               or substance abuse, and for any other health or  
16               environmental conditions that in the judgment  
17               of the local educational agency, are likely to im-  
18               pair learning; and

19               “(C) referred by school or local educational  
20               agency staff to appropriate service providers in  
21               the community, and that designated staff follow  
22               up to determine whether the services were re-  
23               ceived by the children referred.

24           “(2) Each participating local educational agen-  
25          cy shall cooperate with State efforts to comply with

1 subsection (b) and shall participate, as required or  
2 encouraged by the State educational agency, in the  
3 State plan to eliminate barriers to learning described  
4 in subsection (b)(1).

5 “(e) USE OF FUNDS.—Local educational agencies  
6 may use funds under this chapter to pay professional and  
7 other staff salaries, and other reasonable expenses, in-  
8 curred in carrying out the purposes of this section, includ-  
9 ing integration and coordination of services with other  
10 local, State, or Federal providers.

11 **“SEC. 1019. ASSESSMENT.**

12 “(a) PURPOSES OF ASSESSMENT.—Each of the three  
13 types of assessments conducted under this section of stu-  
14 dents, schools, local educational agencies, State education  
15 agencies and of the program under this chapter has a sep-  
16 arate purpose—

17 “(1) as set forth in subsection (b), to provide  
18 information and guidance to teachers, parents, and  
19 others on the progress being made by individual stu-  
20 dents in meeting the content standards prescribed in  
21 section 1012, and to serve as an aid in improving in-  
22 struction, curriculum, and the performance of stu-  
23 dents;

24 “(2) as set forth in subsection (c), to provide a  
25 means for evaluating the effectiveness of the pro-

1       gram under this chapter on a national basis so that  
2       any needed changes can be made to aid in reaching  
3       the goals of this chapter of assuring that children of  
4       low-income families acquire the high level knowledge  
5       and skills that are necessary for sustained success;  
6       and

7               “(3) as set forth in subsections (d) through (g)  
8       of this section to provide a means for holding indi-  
9       vidual schools, local educational agencies, and State  
10      educational agencies accountable for student per-  
11      formance in meeting the content standards pre-  
12      scribed in section 1012, and to serve as a basis for  
13      recognizing and rewarding the entities that improve  
14      student performance and for taking corrective action  
15      with respect to the entities that do not, pursuant to  
16      section 1012.

17      “(b) ASSESSMENTS TO AID STUDENT PROGRESS.—

18               “(1) Each local educational agency and school  
19      shall implement assessment measures that are de-  
20      signed to provide information and guidance to teach-  
21      ers, parents, and students on the progress being  
22      made by individual students in meeting the stand-  
23      ards prescribed in section 1012 and to aid in im-  
24      proving the performance of individual students. Such  
25      assessment measures shall aid teachers in evaluating

1 the progress that individual students are making on  
2 the curriculum and on classroom tasks, shall be con-  
3 trolled and administered by teachers, and shall be an  
4 integral part of the instructional program.

5 “(2) At least once each year, each school shall  
6 inform parents of the progress their children are  
7 making in meeting the standards prescribed in sec-  
8 tion 1012 and shall provide specific information on  
9 deficiencies in performance and on assistance avail-  
10 able to remedy deficiencies.

11 “(3) Each local educational agency and school  
12 shall disseminate to parents, students and teachers  
13 a description and explanation of the curriculum in  
14 use at the school, of the forms of assessment used  
15 to measure student progress, and of the proficiency  
16 levels students are expected to meet.

17 “(4) Each local educational agency and school  
18 shall assure that the methods of assessment em-  
19 ployed are integrated with curriculum and instruc-  
20 tion, foster teaching and learning, are adaptable to  
21 diverse student populations, encourage self-reflection  
22 and decisionmaking, emphasize students’ strengths  
23 and incorporate into the design and implementation  
24 those elements and characteristics that enable all  
25 students to benefit from instructional practices and

1 assessment outcomes, including opportunities for  
2 limited English proficient students to be assessed in  
3 their primary language.

4 “(c) ASSESSMENTS TO EVALUATE CHAPTER 1.—The  
5 Secretary shall—

6 “(1) submit to the President, the Congress and  
7 the public at least biannually a report evaluating na-  
8 tional progress in equipping economically deprived  
9 students with the knowledge and skills called for by  
10 this chapter and evaluating the effectiveness of this  
11 chapter in achieving stated goals;

12 “(2) in carrying out the evaluations called for  
13 by such a report, use the National Assessment of  
14 Educational Progress or other forms of assessment  
15 that are consistent with the assessment measures  
16 that are required by this section; and

17 “(3) develop evaluation methods that facilitate  
18 comparisons of information about student outcomes  
19 by State however, the Secretary shall not deny ap-  
20 proval to an otherwise acceptable State educational  
21 agency assessment program on grounds that it does  
22 not permit comparisons between States, or require  
23 State educational agencies to collect or aggregate  
24 data solely for the purpose of Federal evaluation  
25 under this subsection.



1       “(d) DUTY TO ASSESS FOR ACCOUNTABILITY PUR-  
2       POSES.—

3               “(1) Each participating State educational agen-  
4       cy shall adopt by January 1, 1997, and describe in  
5       its application to the Secretary for fiscal year 1998  
6       a set of assessments that the State educational  
7       agency proposes to use as its primary means for  
8       gauging the performance of local educational agen-  
9       cies that participate in the program under this chap-  
10      ter in enabling students, including limited-English  
11      proficient students, to meet the standards set forth  
12      in section 1012.

13              “(2) Each participating State educational agen-  
14      cy may authorize any local educational agencies  
15      within its jurisdiction to use its own measures of as-  
16      sessment for accountability purposes, if such meas-  
17      ures meet all of the requirements of this section and  
18      are approved by the State educational agency.

19              “(3) If any State education agency fails by Jan-  
20      uary 1, 1997, to adopt an assessment program that  
21      meets the requirements of this section, such agency  
22      shall be required to select one of the assessment pro-  
23      grams approved by the Secretary pursuant to para-  
24      graph (4), but selection of an assessment program  
25      under this subsection shall not relieve the State edu-

1 cational agency of the requirements under this chap-  
2 ter that assessments be aligned with standards and  
3 curriculum.

4 “(4) The Secretary shall approve only assess-  
5 ment measures—

6 “(A) that meet the requirements of sub-  
7 section (c);

8 “(B) that are aligned with State standards  
9 and that have been validated in terms of their  
10 particular uses and consequences and to assure  
11 racial, ethnic, and gender fairness; and

12 “(C) that provide for periodic monitoring  
13 to assure continuing validity.

14 “(e) SCOPE, FREQUENCY, CHARACTERISTICS AND  
15 METHODS OF ASSESSMENT.—

16 “(1) SCOPE AND FREQUENCY.—

17 “(A) Assessments for accountability shall  
18 be conducted annually in the grades designated  
19 under subparagraph (B) in all participating  
20 schools and shall be applied to at least a sample  
21 of all students, provided, however, that where  
22 sampling methods are used, the sample shall be  
23 constructed so as to yield representative data—

1           “(i) for each participating school, local  
2           educational agency, and for the State as a  
3           whole; and

4           “(ii) within each participating school  
5           for each major racial and ethnic group, for  
6           economically disadvantaged and  
7           nondisadvantaged students, and for lim-  
8           ited-English proficient and non-limited  
9           English proficient students.

10          “(B) An assessment pursuant to subpara-  
11          graph (E) shall be completed at grade 1, sub-  
12          ject to the limitations described in paragraph  
13          (2)(B) at some time during grade 3, at some  
14          time during grade 7, and at some time during  
15          grade 10, but students who have been retained  
16          in grade shall be considered for assessment at  
17          the time they would otherwise have been as-  
18          sessed if they had not been retained in grade.

19          “(C) Where sampling methods are used  
20          pursuant to subparagraph (A), the methods  
21          shall meet professional standards of representa-  
22          tiveness.

23          “(D) Notwithstanding the provisions of  
24          subparagraph (A), local educational agencies  
25          and individual schools are not required to as-

1           sess a student who has been clearly dem-  
2           onstrated, using valid evaluation methods, to be  
3           so severely disabled as to lack the capacity to  
4           make educational progress in meeting the  
5           standards set out in section 1012 even with the  
6           provision of supplemental services.

7           “(E) No student shall be exempted from  
8           assessment on grounds that the student has not  
9           attended a particular school or has not been a  
10          resident in the local educational agency attend-  
11          ance area for a full academic year, but—

12               “(i) the performance of students who  
13               have attended more than one school in a  
14               local educational agency in any academic  
15               year shall not be used in determining the  
16               progress of any individual school but only  
17               in determining the progress of the local  
18               educational agency; and

19               “(ii) the performance of students who  
20               have not resided in the local educational  
21               agency for a full academic year shall not  
22               be used to determine the progress either of  
23               any individual school or of the local edu-  
24               cational agency.

1           “(2) CHARACTERISTICS.—In addition to the re-  
2           quirements set forth in subsection (d)(4), the assess-  
3           ment instruments adopted pursuant to this sub-  
4           section shall meet the following criteria:

5                   “(A) Except for grade 1, assessments shall  
6           measure the proficiency of students in subjects  
7           including reading, mathematics, writing, his-  
8           tory, geography and science.

9                   “(B) In grade 1, assessments shall be con-  
10          ducted only to determine the acquisition of de-  
11          velopmentally appropriate levels of skills in oral  
12          language, emerging reading skills, and social  
13          skills important to progress in school.

14                  “(C) Assessments shall provide an accurate  
15          measure of the proportion of students attaining  
16          nonproficient, partially proficient, proficient,  
17          and highly proficient levels of achievement in all  
18          aspects of each subject.

19                  “(D) There shall be some variation in the  
20          particular items used from one assessment to  
21          the next, so that students can be prepared for  
22          the test only by being taught a full range of im-  
23          portant knowledge and skills.

24                  “(E) Assessments shall state clearly what  
25          is sought to be measured in the assessment and

1 shall be designed to gauge only the proficiency  
2 and accomplishments of students rather than  
3 any presumed innate traits or characteristics.

4 “(F) Local educational agencies and indi-  
5 vidual schools are required to determine if a  
6 student has limited English proficiency and to  
7 monitor the student’s English language acquisi-  
8 tion progress by using assessments based on  
9 sound psychometric practice and theoretically  
10 based research, including contemporary theories  
11 and research, on language proficiency and com-  
12 municative competence. Schools should not base  
13 placement decisions about language assistance  
14 services on a single test or assessment score but  
15 on a profile that summarizes results of multiple  
16 assessments and attends to the multi-  
17 dimensional aspects of language skills.

18 “(G) In determining the appropriate place-  
19 ment for a limited English proficient student,  
20 the procedures need to accurately assess stu-  
21 dents’ language proficiency and content knowl-  
22 edge so that schools can provide appropriate in-  
23 struction that builds on existing linguistic and  
24 cognitive skills.

1           “(H) In assessing students’ mastery of  
2 skills in subjects other than English, students  
3 of limited-English proficiency shall be assessed,  
4 to the extent practicable, in the language and  
5 form most likely to yield accurate and reliable  
6 information on what the limited English pro-  
7 ficient students know and can do.

8           “(3) METHODS.—

9           “(A) In carrying out its duties pursuant to  
10 subsection (d)(1) each State educational agency  
11 shall employ multiple methods of assessment  
12 tailored to its standards.

13           “(B) The local educational agency shall  
14 identify the languages other than English that  
15 are present in the participating student popu-  
16 lation and make a determination of the lan-  
17 guages for which appropriate assessment meas-  
18 ures are not available and are needed. If the  
19 local educational agency is unable to develop  
20 appropriate assessment measures in these lan-  
21 guages, the local educational agency shall notify  
22 the State educational agency of the absence of  
23 such assessment measures. The State edu-  
24 cational agency shall notify the Secretary and  
25 make every effort to identify or develop such as-

1           assessment measures. Upon notification by the  
2           State educational agency, the Secretary shall  
3           also assist in the identification of appropriate  
4           assessment measures in the needed languages  
5           through the Assistant Secretary of the Office of  
6           Bilingual Education and Minority Languages  
7           Affairs.

8           “(f) PREREQUISITES FOR IMPLEMENTATION OF AS-  
9           SESSMENTS.—

10           “(1) Prior to the conduct of the first assess-  
11           ment for accountability, each State educational  
12           agency shall, with the assistance of each local edu-  
13           cational agency, disseminate widely to parents,  
14           teachers, and students an understandable statement  
15           of the standards expected of participating students,  
16           the goals of the assessment instruments, the uses of  
17           the assessment, and the knowledge and skills to be  
18           assessed. Such statements shall include examples of  
19           student work at the appropriate level that would  
20           meet the standard at such level.

21           “(2) As soon as feasible, but prior to the ad-  
22           ministration of the second assessment, each State  
23           educational agency shall—

24                   “(A) complete all necessary steps, by devel-  
25                   oping curriculum frameworks or model curric-



1           ula and by providing training or assistance to  
2           local educational agencies, to assure that cur-  
3           riculum is revised in a manner that will enable  
4           students to meet the standards set forth in sec-  
5           tion 1012; and

6                   “(B) adopt measures, including those re-  
7                   quired by section 1012, to assure that teachers  
8                   in schools receiving funds under this chapter  
9                   have the capacity to implement instructional  
10                  strategies designed to equip children with the  
11                  ability to perform successfully on the assess-  
12                  ments required by this section.

13           “(g) USES OF ASSESSMENTS AND SAFEGUARDS.—

14                   “(1) The assessments developed under sub-  
15                  section (d) shall be used by State and local agencies  
16                  to improve the performance of participating schools  
17                  to enable students participating under this chapter  
18                  to master high level knowledge and skills.

19                   “(2) The Secretary shall report the information  
20                  gathered through the assessments required by sub-  
21                  section (d) in such a way as to permit evaluation of  
22                  the annual progress made by the State, by each local  
23                  educational agency, and by each school in which the  
24                  assessment is conducted, and within each State,  
25                  local educational agency, and school, by each major

1 racial and ethnic group, by English proficiency sta-  
2 tus and by economically deprived students as com-  
3 pared to students who are not economically deprived.

4 “(3) The assessments prescribed by subsection  
5 (d) shall not be used by State and local educational  
6 agencies to withhold from any student a high school  
7 diploma or other form of certification or for retain-  
8 ing students in grade.

9 **“SEC. 1020. ENFORCEMENT.**

10 “(a) STATE ENFORCEMENT PROCESS.—Each State  
11 educational agency shall develop and submit to the Sec-  
12 retary not later than January 1, 1997, a plan for an en-  
13 forcement process designed to assure the performance of  
14 all responsibilities vested by this chapter in the State edu-  
15 cational agency and in all local educational agencies and  
16 schools under its jurisdiction. The enforcement process  
17 shall consist of the following elements:

18 “(1) Provisions shall be designed to assure that  
19 within five years after the completion of the first as-  
20 sessment conducted pursuant to sections 1012 and  
21 1020, all participating schools in which 50 percent  
22 or more of the students enrolled are economically de-  
23 prived will have made substantial progress pursuant  
24 to the criteria established in section 1431 in assist-  
25 ing all participating students in reaching proficient

1 or highly proficient levels of achievement appropriate  
2 to their grade level under the standards provided for  
3 in section 1012 and, in the event that substantial  
4 progress has not been made to assure that the edu-  
5 cational environment and services made available to  
6 students will be changed significantly enough to en-  
7 able them to reach these levels.

8 “(2) Provisions shall be designed to assure that  
9 within five years after the completion of the first as-  
10 sessment conducted pursuant to sections 1012 and  
11 1020, participating schools in which less than 50  
12 percent of the students enrolled are economically de-  
13 prived will have made substantial progress pursuant  
14 to the criteria established in section 1431 in assist-  
15 ing economically deprived students in reaching pro-  
16 ficient or highly proficient levels of achievement ap-  
17 propriate to their grade level under the standards  
18 provided for in section 1012 and, in the event that  
19 substantial progress has not been made to assure  
20 that the educational environment and services made  
21 available to economically deprived students will be  
22 changed significantly enough to enable them to  
23 reach these levels.

24 “(3) Assurance shall be provided by the State  
25 educational agency that persons charged with re-

1       sponsibility under this chapter are provided with  
2       adequate resources, pursuant to the requirements of  
3       section 1012 and section 1018 and with adequate  
4       decisionmaking authority to carry out their duties  
5       effectively.

6               “(4) A timetable for the achievement of the ob-  
7       jectives specified in paragraphs (1) and (2), which  
8       shall include—

9               “(A) an identification, beginning with the  
10       third annual assessment, of local educational  
11       agencies and individual schools that are failing  
12       to make substantial progress pursuant to the  
13       criteria developed under section 1431, in de-  
14       creasing the proportions of children who are not  
15       proficient and in increasing the proportions of  
16       children who have attained the proficient and  
17       highly proficient levels of achievement called for  
18       in sections 1012 and 1020;

19               “(B) for those identified schools failing to  
20       make substantial progress, the State edu-  
21       cational agency shall appoint an inspector or in-  
22       spection team, where the school or local edu-  
23       cational agency has a 5 percent limited-English  
24       proficient student population, the inspector or  
25       inspection team shall be knowledgeable about

1 effective education strategies for limited Eng-  
2 lish proficient students. The inspector or in-  
3 spection team shall promptly visit the site to  
4 determine—

5 “(i) whether the identification of the  
6 local educational agency or school as hav-  
7 ing failed to make substantial progress has  
8 resulted from a consistent application of  
9 State educational agency standards and as-  
10 sessment programs throughout the State  
11 or local educational agency and, if so

12 “(ii) whether there are immediate  
13 measures that may be undertaken by the  
14 local educational agency or school that  
15 hold substantial promise of demonstrating  
16 substantial progress pursuant to the cri-  
17 teria developed under section 1431 within  
18 a period not to exceed 120 days from the  
19 date of the visit. If the inspection team de-  
20 termines that such immediate measures  
21 hold promise and are warranted it shall  
22 have authority to order the implementation  
23 of such measures and to secure from the  
24 State educational agency or local edu-  
25 cational agency resources that it deter-

1 mines are necessary to secure substantial  
2 progress. Any violations of Federal civil  
3 rights law shall be referred to the Office of  
4 Civil Rights, Department of Education;

5 “(C) the publication and dissemination to  
6 teachers, parents, students, and the community  
7 of the results of the school and local educational  
8 agency assessments and the convening of public  
9 meetings to explain the results of the assess-  
10 ments and to describe any corrective action that  
11 will be undertaken; and

12 “(D) the prescription of measures that will  
13 be taken to change the educational environment  
14 if, after the fourth assessment, a local edu-  
15 cational agency or an individual school fails to  
16 make substantial cumulative progress pursuant  
17 to the criteria developed under section 1431.

18 “(5) The changes in educational environment  
19 called for in subparagraph (D) shall be provided  
20 through benefits in the form of incentives and re-  
21 wards that enhance the resources and status of suc-  
22 cessful schools, by sanctions that close or change the  
23 operation of unsuccessful schools and by other meas-  
24 ures that provide opportunities for students to move  
25 from unsuccessful to successful schools. Such bene-

1 fits, sanctions, and other measures shall be applied  
2 to schools and local educational agencies and shall  
3 be both individual and institutional in character:

4 “(A) In the case of individual schools that  
5 make substantial progress, benefits may in-  
6 clude—

7 “(i) institutional rewards, such as rec-  
8 ognition for the school, greater decision-  
9 making authority at the school building  
10 level, increased access to resources or  
11 supplemental services such as summer pro-  
12 grams that may be used to sustain and in-  
13 crease success, additional financial assist-  
14 ance to accommodate the needs of students  
15 who transfer under the provisions of para-  
16 graph (5)(C), otherwise enable the school  
17 to serve larger numbers of eligible children  
18 or to render assistance to other schools; or

19 “(ii) individual rewards, such as rec-  
20 ognition of school staff, additional profes-  
21 sional development opportunities, opportu-  
22 nities to participate in special projects  
23 involving increased responsibility, such as  
24 curriculum development projects, and fi-  
25 nancial bonuses.

1           “(B) In the case of individual schools that  
2 fail to make substantial progress, sanctions may  
3 include—

4           “(i) institutional penalties, such as  
5 publication of the deficiencies of the school,  
6 loss of decision-making authority at the  
7 school building level, the initiation of alter-  
8 native governance arrangements or closing  
9 of the school; or

10          “(ii) individual penalties, such as re-  
11 ductions in pay, dismissal, or transfer of  
12 the principal or other staff members in ac-  
13 cordance with the applicable provisions of  
14 state law or collective bargaining agree-  
15 ments provided, however, that no staff  
16 member transferred under the provisions  
17 of this subsection shall be retained as a  
18 staff member at a participating school.

19          “(C) Notwithstanding the adoption of any  
20 other measure under paragraph (5)(B) applying  
21 to schools that fail to make substantial  
22 progress, the State educational agency shall es-  
23 tablish a right of transfer by students from  
24 schools that are failing to make substantial  
25 progress to other schools in the local edu-



1 cational agency that are making such progress,  
2 and shall assure that adequate resources are  
3 provided for transportation to make the right  
4 effective.

5 “(D) In the cases of local educational  
6 agencies that make substantial progress, bene-  
7 fits may include, but are not limited to, institu-  
8 tional and individual rewards of the kind de-  
9 scribed for individual schools in paragraph  
10 (5)(A), but that are applicable on a districtwide  
11 level.

12 “(E) In the case of local educational agen-  
13 cies that fail to make substantial progress, pen-  
14 alties may include—

15 “(i) dismissal of the superintendent or  
16 other local educational agency personnel by  
17 the State educational agency;

18 “(ii) appointment by the State edu-  
19 cational agency of a receiver or trustee to  
20 administer the affairs of the local edu-  
21 cational agency in place of the super-  
22 intendent and school board;

23 “(iii) the removal of particular schools  
24 from the jurisdiction of the local edu-  
25 cational agency and the establishment of

1 alternative arrangements for governing and  
2 supervising such schools; or

3 “(iv) abolition or restructuring of the  
4 local educational agency through annex-  
5 ation by other local educational agencies or  
6 by other means.

7 “(F) Notwithstanding the adoption of any  
8 other measure under paragraph (5)(E) applying  
9 to local educational agencies that fail to make  
10 substantial progress, the State educational  
11 agency shall establish a right of transfer by stu-  
12 dents from local educational agencies that are  
13 failing to make substantial progress to schools  
14 in other local educational agencies that are  
15 making such progress, and shall assure that  
16 adequate resources are provided for transpor-  
17 tation to make the right effective.

18 “(6) COMPLAINT ADJUDICATION.—

19 “(A) An administrative process shall be es-  
20 tablished within the State educational agency  
21 for the adjudication of complaints by parents,  
22 students, teachers, other school staff or their  
23 representatives. Such process shall provide to  
24 complainants remedies for the failure of a local  
25 educational agency or school to comply with the

1 opportunity to learn standards set forth in sec-  
2 tion 1012, unless such local educational agency  
3 or school has made substantial progress under  
4 section 1431 of this section, to carry out the  
5 staff development obligations set out in section  
6 1012 to implement the parent involvement  
7 measures set out in section 1016 and imple-  
8 mentation of section 1017. Included in the  
9 process shall be the method by which the State  
10 educational agency will notify parents and stu-  
11 dents about the availability of administrative  
12 remedies and the provision of technical assist-  
13 ance to parents and students who avail them-  
14 selves of such remedies. The process shall speci-  
15 fy timelines designed to assure that decisions  
16 will be reached in an expeditious manner and  
17 also provide for the appointment of independent  
18 administrative law judges whose sole respon-  
19 sibilities are administration adjudication. State  
20 educational agencies are encouraged to supple-  
21 ment this administrative process by establishing  
22 procedures for conciliation or other forms of al-  
23 ternative dispute resolution to resolve disputes  
24 within a local educational agency between local  
25 educational agency officials, teachers and other

1 staff, parents, and students on matters within  
2 the purview of this chapter.

3 “(B) The State educational agency shall  
4 establish procedures that effectively prevent re-  
5 taliatory personnel practices by any recipient  
6 against an employee for assisting or dem-  
7 onstrating an intent to assist in securing any  
8 right guaranteed by this chapter or in achieving  
9 compliance with any requirement of this chap-  
10 ter.

11 “(b) DUTIES OF THE SECRETARY.—To assure com-  
12 pliance with all provisions of this chapter, the Secretary  
13 shall—

14 “(1) initiate enforcement action in any case  
15 where a State educational agency fails to comply  
16 with its obligations under section 1012 (Standards,  
17 Assurances, Applications and Capacity Building),  
18 section 1019 (Health and Social Services), section  
19 1020 (Assessment) and section 1021 (Enforcement)  
20 of this chapter or where a local educational agency  
21 or school fails to comply with obligations under sec-  
22 tion 1012 (Standards, Assurances, Applications and  
23 Capacity Building), section 1016 (Parent Involvement),  
24 section 1019 (Health and Social Services),  
25 section 1020 (Assessment) and section 1021 (En-

1        enforcement) of this chapter, but such an action may  
2        not be commenced against a local educational agency  
3        or school that has made substantial progress;

4            “(2) prepare and publish annually a report to  
5        the Congress and the public on the status of imple-  
6        mentation for each state, which report will describe  
7        whether substantial progress is being made on a  
8        statewide basis and assess the adequacy of State en-  
9        forcement; and

10           “(3) ensure that notwithstanding the State’s  
11        primary role in the enforcement of this chapter, the  
12        Department of Education’s Office for Civil Rights  
13        shall monitor and enforce compliance with Title VI  
14        of the Civil Rights Act of 1964, in particular non-  
15        discriminatory access of limited-English proficient  
16        students to participation under this chapter.

17    **“SEC. 1021. RESEARCH, DEVELOPMENT, EVALUATION, AND**  
18                                    **DISSEMINATION.**

19           “(a) The Secretary shall reserve the greater of  
20        \$70,000,000 or 1 percent of funds appropriated under this  
21        chapter each year to fund research, development, evalua-  
22        tion, and dissemination of effective practices and strate-  
23        gies for the education of economically deprived children,  
24        including assistance to universities, research organiza-  
25        tions, and other institutions—

1           “(1) to develop, evaluate, and disseminate pro-  
2           grams, materials, teaching methods, staff develop-  
3           ment methods, school organization plans, and other  
4           replicable programs and practices intended to en-  
5           hance the higher order skills of students attending  
6           participating schools as defined in this chapter;

7           “(2) to conduct third-party, independent eval-  
8           uations of programs and practices identified by the  
9           Secretary as promising;

10          “(3) to study the processes by which schools  
11          adopt, adapt, and institutionalize innovations; to  
12          identify and study unusually effective schools and  
13          programs funded under this chapter; to experiment  
14          with means of implementing and maintaining com-  
15          prehensive school-wide organizational improvements;  
16          and to conduct other research needed to provide par-  
17          ticipating schools with the exemplary instructional,  
18          curricular, organizational, and professional develop-  
19          ment programs;

20          “(4) to fund formative evaluation of changes in  
21          educational systems brought about in whole or in  
22          part as a result of this chapter, including assistance  
23          to universities, research organizations, State and  
24          local educational agencies, and other institutions to  
25          conduct research and evaluation at the State, local

1 educational agency and school level including, but  
2 not limited to, research either singly or in combina-  
3 tion—

4 “(A) on uses, types, and effects of stand-  
5 ards developed and promulgated pursuant to  
6 section 1012 of assessment systems developed  
7 pursuant to section 1020; and of enforcement  
8 systems developed pursuant to section 1021;

9 “(B) on the school planning, improvement,  
10 decisionmaking, assistance, and parent involve-  
11 ment processes undertaken pursuant to sections  
12 1012, 1016, and 1021; and

13 “(C) on the types and effects of changes in  
14 State and local educational agency resource al-  
15 location systems attributable to the require-  
16 ments of sections 1013, 1014, and 11018.

17 “(5) to provide assistance to developers of suc-  
18 cessful programs to establish national or regional  
19 dissemination to replicate their programs, which may  
20 include model “lighthouse” schools to serve State or  
21 region;

22 “(6) to inform staff of participating schools  
23 about alternative, effective programs and strategies  
24 that may meet their needs;

1 “(7) to establish predoctoral and postdoctoral  
2 fellowships and training programs to attract talented  
3 social scientists and educators, especially members of  
4 underrepresented minority groups, into research and  
5 development of programs for deprived students, and  
6 to provide such persons with high-quality training;  
7 and

8 “(8) to provide periodic summaries of research  
9 on topics relevant to the design and implementation  
10 of effective chapter 1 programs, such as research on  
11 reading and content area instruction, parent involve-  
12 ment, early childhood education, grouping, classroom  
13 assessment, and motivation. Such summaries shall  
14 be written for and disseminated to parents and com-  
15 munity members, as well as for educators.

16 “(b) The provisions in this section are intended to  
17 supplement and not to supersede research functions cur-  
18 rently retained by the United States Department of Edu-  
19 cation, such as those of Policy Evaluation Services and  
20 the Office of Educational Research and Improvement.”.

## 21 **TITLE II—ADDITIONAL** 22 **EDUCATION AMENDMENTS**

### 23 **SEC. 201. PAYMENTS.**

24 Part E of title I of the Elementary and Secondary  
25 Education Act of 1965 is amended to read as follows:



**“PART E—PAYMENTS****2 “SEC. 1404. PAYMENTS FOR STATE ADMINISTRATION.**

3       “(a) IN GENERAL.—The Secretary is authorized to  
4 pay to each State amounts equal to the amounts expended  
5 by it for the proper and efficient performance of its duties  
6 under this chapter, except that the total of such payments  
7 in any fiscal year shall be the greater of the following:

8               “(1) 2 percent of the amount allocated to the  
9 State and its local educational agencies and to other  
10 State agencies as determined for that year under  
11 parts A and D for program administration, includ-  
12 ing compliance with the provisions of sections 1012,  
13 1019, and 1021, and for coordinating the inclusion  
14 of limited-English proficient students; and

15               “(2) 2 percent of the amount allocated to the  
16 State and its local educational agencies and to other  
17 State agencies as determined for that year under  
18 parts A and C for fiscal years 1995, 1996, and 1997  
19 and 1 percent in each year thereafter for the devel-  
20 opment and implementation of the assessment pro-  
21 gram authorized by sections 1020 and 1021, in par-  
22 ticular for the development of linguistically acces-  
23 sible assessment instruments; or

24               “(3) \$650,000, or \$100,000 in the case of  
25 Guam, American Samoa, the Virgin Islands, the

1 Northern Mariana Islands, or the Trust Territory of  
2 the Pacific Islands.

3 “(b) LIMITATION ON INDIRECT COSTS.—Not more  
4 than 15 percent of the State administrative allocation  
5 under subsection (a) may be used for indirect costs of the  
6 grant.

7 **“SEC. 1405. FUNDS FOR THE IMPLEMENTATION OF SCHOOL**  
8 **IMPROVEMENT PROGRAMS.**

9 “(a) GENERAL AUTHORITY.—The Secretary is au-  
10 thorized to pay to each State, for the purpose of carrying  
11 out program improvement activities described in section  
12 1012(c)(4) and to provide supplemental capacity building  
13 grants to support projects conducted within the State in  
14 an amount equal to—

15 “(1) 8 percent of the amount allocated to the  
16 State and its local educational agencies as deter-  
17 mined under parts A and D;

18 “(2) \$135,000 or \$22,500 in the case of Guam,  
19 American Samoa, the Virgin Islands, the Northern  
20 Mariana Islands, or the Trust Territory of the Pa-  
21 cific Islands; or

22 “(3) any amounts paid to schools and local edu-  
23 cational services under this section shall be supple-  
24 mental to the funds received by them pursuant to  
25 section 1402.

1 “(b) LIMITATIONS.—

2 “(1) No funds made available to States under  
3 subsection (a) may be used for administrative func-  
4 tions related to any provisions of this chapter.

5 “(c) SUPPLEMENTAL CAPACITY BUILDING  
6 GRANTS.—

7 “(1) Funds made available to States under this  
8 section shall also be used to support projects con-  
9 ducted within the State by local educational agencies  
10 or schools designed to demonstrate the following:

11 “(A) Innovative staff development and  
12 school improvement strategies aimed at improv-  
13 ing the capacity of participating schools to meet  
14 the standards for economically deprived chil-  
15 dren and limited English proficient students re-  
16 quired by section 1012(a).

17 “(B) Research-based approaches to educat-  
18 ing and assessing economically deprived and  
19 limited English proficient children, including in-  
20 structional and curricular approaches.

21 “(C) Innovative schoolwide projects for  
22 schools in which 50 percent or more of the stu-  
23 dents enrolled are economically deprived.

24 “(2) State educational agencies will be respon-  
25 sible for setting up a procedure for awarding such

1 grants and for evaluating the effectiveness of the  
 2 program and individual grants. Qualified recipients  
 3 shall be determined by the State educational agency.

4 “(3) Any local educational agency or school re-  
 5 ceiving funds under this section is not relieved of  
 6 any of its obligations under Chapter 1, in particular  
 7 the obligations imposed by section 1021.”.

8 **SEC. 202. GENERAL PROVISIONS.**

9 Part F of title I of the Elementary and Secondary  
 10 Act of 1965 is amended to read as follows:

11 **“PART F—GENERAL PROVISIONS**

12 **“Subpart 1—Federal Administration**

13 **“SEC. 1431. FEDERAL REGULATIONS.**

14 “(a) IN GENERAL.—The Secretary is authorized to  
 15 issue such regulations as are considered necessary to rea-  
 16 sonably ensure that there is compliance with the specific  
 17 requirements and assurances required by this chapter.

18 “(b) PROCEDURE.—

19 “(1) Prior to publishing proposed regulations  
 20 pursuant to this chapter, the Secretary shall convene  
 21 regional meetings which shall provide input to the  
 22 Secretary on the content of proposed regulations.  
 23 Such meetings shall include representatives of Fed-  
 24 eral, State and local administrators, parents, teach-  
 25 ers, including teachers who are familiar with effec-

1       tive instructional approaches for economically de-  
2       prived and limited English proficient children, and  
3       members of local boards of education involved with  
4       implementation of programs under this chapter.

5           “(2) Subsequent to regional meetings and prior  
6       to publishing proposed regulations in the Federal  
7       Register, the Secretary shall prepare draft regula-  
8       tions and submit regulations on a minimum of 4 key  
9       issues to a modified negotiated rulemaking process  
10      as a demonstration of such process. The modified  
11      process shall waive application of the Federal Advi-  
12      sory Committee Act, but shall otherwise follow the  
13      guidance provided in the Administrative Conference  
14      of the United States in Recommendation 82-4,  
15      “Procedures for Negotiating Proposed Regulations”  
16      (47 Fed. Reg. 30708, June 18, 1982) and any suc-  
17      cessor regulation. Participants in the demonstration  
18      shall be chosen by the Secretary from among partici-  
19      pants in the regional meetings, representing the  
20      groups described in paragraph (1) and all geo-  
21      graphic regions. The demonstration shall be con-  
22      ducted in a timely manner in order that final regula-  
23      tions may be issued by the Secretary within the 240-  
24      day period required by section 421(g) of the General  
25      Education Provisions Act.

1           “(3) In an emergency situation in which regula-  
2           tions pursuant to this chapter must be issued within  
3           a very limited time to assist State and local edu-  
4           cational agencies with the operation of the program,  
5           the Secretary may issue a regulation without such  
6           prior consultation, but shall immediately thereafter  
7           convene regional meetings to review the emergency  
8           regulation prior to issuance in final form.

9           “(c) COMPILATION AND REPORTING.—The Secretary  
10          shall prescribe, by regulation, forms for the compilation  
11          and public reporting of the information necessary to deter-  
12          mine if the purposes of this Act have been fulfilled. The  
13          regulations shall include—

14               “(1) standards to determine whether among  
15               local educational agencies in a State and among  
16               schools in a local educational agency, essential edu-  
17               cational services are comparable within a reasonable  
18               range pursuant to section 1018(c);

19               “(2) the method for compiling and reporting in-  
20               formation gathered through the assessments re-  
21               quired by section 1020. The information shall be re-  
22               ported in such a way as to permit evaluation of the  
23               annual progress made—

1           “(A) by the State, by each local edu-  
2           cational agency, and by each school in which  
3           the assessment is conducted; and

4           “(B) within each State, local educational  
5           agency and school, by race, national origin, sta-  
6           tus as a limited-English proficient student, and  
7           economically deprived students as compared to  
8           students who are not economically deprived;

9           “(3) a definition for ‘substantial progress’ as  
10          used in section 1021 by schools and local edu-  
11          cational agencies toward the goal of assuring that all  
12          students acquire the knowledge and skills that are  
13          necessary for sustained success. In defining ‘sub-  
14          stantial progress,’ the regulations—

15          “(A) shall call for a comparison at each  
16          school of the proportions of students who have  
17          attained non-proficient, partially proficient, pro-  
18          ficient, and highly proficient levels of achieve-  
19          ment in all aspects of each subject at the grade  
20          levels at which assessments, conducted under  
21          section 1012 prior to approval by the Secretary  
22          of the new State standards or under section  
23          1020, are conducted with the proportions in  
24          each of the four categories one period earlier,  
25          provided that the periods established for com-

1       parison shall be rolling two-year periods in  
2       which the second year of each period will be in-  
3       cluded as the first year of the succeeding period  
4       and the comparisons will be based on average  
5       scores for each two-year period;

6               “(B) shall require cumulative reductions in  
7       school dropout rates or grade-level retention  
8       rates or shall require cumulative increases in  
9       secondary school completion rates;

10              “(C) shall require after the fourth assess-  
11       ment period (when two comparisons will have  
12       been made) a cumulative reduction in the pro-  
13       portions of students who are not proficient and  
14       a substantial cumulative increase in the propor-  
15       tions of students who are proficient or ad-  
16       vanced, provided, however, that where a State  
17       educational agency adopts supplemental out-  
18       come measures such as reductions in dropout  
19       rates, a school may be deemed to have made  
20       substantial progress if it—

21                      “(i) reaches 80 percent of its goal  
22                      with respect to student proficiency; and

23                      “(ii) meets its targets on the supple-  
24                      mental outcome measures;



1           “(D) shall require for each assessment pe-  
2           riod after the fourth assessment that there be  
3           a substantial progressive reduction in the pro-  
4           portion of students who are not proficient and  
5           a substantial increase in the proportion of stu-  
6           dents who are proficient or highly proficient of  
7           at least five percentage points;

8           “(E) while requiring compilation and re-  
9           porting of comparative data on each subject on  
10          which students are assessed and for each grade,  
11          shall permit the establishment of a composite  
12          rating under which a school shall be deemed to  
13          have made substantial progress when the reduc-  
14          tions and increases required by subparagraphs  
15          (B) and (C) are achieved in a majority of the  
16          subjects at each grade level assessed; and

17          “(F) shall permit a local educational agen-  
18          cy to be deemed to have made substantial  
19          progress when the reductions and increases re-  
20          quired by subparagraphs (B) and (C) are  
21          achieved on a systemwide basis, which includes  
22          all schools in which chapter 1 services are of-  
23          fered in a majority of the subjects and in a ma-  
24          jority of the grade levels assessed.

1       “(d) SPECIAL RULE.—Funds made available under  
2 sections 1437 and 1463 of this chapter shall be released  
3 for expenditure by the Secretary only at such time as final  
4 regulations pertaining to this chapter are published in the  
5 Federal Register.

6       “(e) LIMITATION.—Programs under this chapter may  
7 not be required to follow any instructional model, such as  
8 the provision of services outside the regular classroom or  
9 school program.

10   **“SEC. 1434. COORDINATION OF FEDERAL, STATE, AND**  
11                   **LOCAL ADMINISTRATION.**

12       “(a) POLICY MANUAL.—The Secretary shall, not  
13 later than 6 months after the publication of final regula-  
14 tions with respect to this chapter, prepare and distribute  
15 to State educational agencies, State agencies operating  
16 programs under part D, and local educational agencies,  
17 and shall make available to parents and other interested  
18 individuals, organizations, and agencies, a revised policy  
19 manual for this chapter to—

20               “(1) assist such agencies in—

21                   “(A) preparing applications for program  
22 funds under this chapter;

23                   “(B) meeting the applicable program re-  
24 quirements under this chapter; and

1           “(C) enhancing the quality, increasing the  
2           depth, or broadening the scope of activities for  
3           programs under this chapter;

4           “(2) assist State educational agencies in achiev-  
5           ing proper and efficient administration of programs  
6           funded under this chapter;

7           “(3) assist parents to become involved in the  
8           planning for, and implementation and evaluation of,  
9           programs and projects under this chapter; and

10          “(4) ensure that officers and employees of the  
11          Department of Education, including officers and em-  
12          ployees of the Secretary and officers and employees  
13          of such Department charged with auditing programs  
14          carried on under this chapter, uniformly interpret,  
15          apply, and enforce requirements under this chapter  
16          throughout the United States.

17          “(b) CONTENTS OF POLICY MANUAL.—The policy  
18          manual shall, with respect to programs carried out under  
19          this chapter, contain descriptions, statements, procedural  
20          and substantive rules, opinions, policy statements and in-  
21          terpretations and indices to and amendments of the fore-  
22          going, and in particular, whether or not such items are  
23          required under section 552 of title 5, United States Code  
24          to be published or made available. The manual shall in-  
25          clude—

1           “(1) a statement of the requirements applicable  
2           to the programs carried out under this chapter, in-  
3           cluding such requirements contained in this chapter,  
4           the General Education Provisions Act, other applica-  
5           ble statutes, and regulations issued under the au-  
6           thority of such statutes;

7           “(2) an explanation of the purpose of each re-  
8           quirement and its interrelationship with other appli-  
9           cable requirements;

10          “(3) a statement of the procedures to be fol-  
11          lowed by the Secretary with respect to proper and  
12          efficient performance of administrative responsibil-  
13          ities;

14          “(4) summaries of (A) advisory opinions inter-  
15          preting and applying applicable requirements, and  
16          (B) final audit determinations relevant to programs  
17          under this chapter, including examples of actual ap-  
18          plications of the legal requirements of applicable  
19          statutes and regulations;

20          “(5) model forms and instructions developed by  
21          the Secretary for use by State and local educational  
22          agencies, at their discretion, including, but not lim-  
23          ited to, application forms, application review check-  
24          lists, and instruments for monitoring programs  
25          under this chapter;

1           “(6) summaries of appropriate court decisions  
2           concerning programs under this chapter; and

3           “(7) model forms, policies, and procedures de-  
4           veloped by State educational agencies.

5           “(c) RESPONSE TO INQUIRIES.—The Secretary shall  
6           respond with written guidance not more than 90 days  
7           after any written request (return receipt requested) from  
8           a State or local educational agency regarding a policy,  
9           question, or interpretation under this chapter. In the case  
10          of a request from a local educational agency, such agency  
11          must first have addressed its request to the State edu-  
12          cational agency.

13          “(d) TECHNICAL ASSISTANCE.—From funds avail-  
14          able to the Secretary for studies, evaluations, and tech-  
15          nical assistance, the Secretary shall continue, establish,  
16          and expand technical assistance centers to provide assist-  
17          ance to State and local educational agencies with respect  
18          to programs under this chapter. In providing such assist-  
19          ance, centers shall place particular emphasis on informa-  
20          tion relating to program improvement, parental involve-  
21          ment, instruction, testing and evaluation, and curriculum  
22          under this chapter. Such centers shall be accessible  
23          through electronic means.

24          “(e) FEDERAL DISSEMINATION OF EXEMPLARY PRO-  
25          GRAMS.—To the extent possible, the Secretary shall pro-

1 vide information to State and local educational agencies  
2 regarding opportunities for dissemination of exemplary  
3 programs under this chapter through the National Diffu-  
4 sion Network. The Secretary shall emphasize programs  
5 which are exemplary in their implementation of the parent  
6 involvement provisions of section 1016. The Secretary  
7 shall coordinate Federal exemplary project identification  
8 activities with the National Diffusion Network.

9 “(f) FEDERAL REVIEW OF STATE AND LOCAL AD-  
10 MINISTRATION.—The Secretary shall provide for a review  
11 of State and local administration of programs under this  
12 chapter. In addition to such other areas as the Secretary  
13 may consider appropriate, the review shall consider State  
14 policies, guidance materials, monitoring and enforcement  
15 activities, and the detection and resolution of problems of  
16 local noncompliance.

17 **“Subpart 2—State Administration**

18 **“SEC. 1451. STATE REGULATIONS.**

19 “(a) IN GENERAL.—

20 “(1) Except as provided in paragraph (2), noth-  
21 ing in this chapter may be interpreted to preempt,  
22 prohibit, or encourage State regulations issued pur-  
23 suant to State law which are not inconsistent with  
24 the provisions of this chapter, regulations promul-

1 gated under this chapter, or other applicable Federal  
2 statutes and regulations.

3 “(2) State rules or policies may not limit local  
4 school districts’ decisions regarding the grade levels  
5 to be served; instructional setting, materials or  
6 teaching techniques to be used; instructional staff to  
7 be employed as long as such staff meet State certifi-  
8 cation and licensing requirements for education per-  
9 sonnel); or other support services (such as counsel-  
10 ing and other pupil personnel services) to be pro-  
11 vided as part of the programs authorized under this  
12 chapter.

13 “(3) Nothing in this subsection may be con-  
14 strued to inhibit the State educational agency’s re-  
15 sponsibility to work jointly with local educational  
16 agencies and other State agencies receiving funds  
17 under this chapter in setting standards under sec-  
18 tion 1012(a), implementing capacity building and  
19 school improvement activities under sections  
20 1012(c)(4) and 1405 complying with the health and  
21 social services requirements of section 1019, develop-  
22 ing assessments under section 1020 and complying  
23 with the enforcement provisions of section 1021.

24 “(b) REVIEW BY COMMITTEE OF PRACTITIONERS.—  
25 Before publication of any proposed or final State rule or

1 regulation pursuant to this chapter, each such rule shall  
2 be reviewed by a State committee of practitioners which  
3 shall include administrators, teachers, including teachers  
4 who are familiar with effective instructional approaches  
5 for economically deprived and limited English proficient  
6 children, parents, and members of local boards of edu-  
7 cation, and on which a majority of the members shall be  
8 local educational agency representatives. In an emergency  
9 situation where such regulation must be issued within a  
10 very limited time to assist local educational agencies with  
11 the operation of the program, the State educational agen-  
12 cy may issue a regulation without such prior consultation,  
13 but shall immediately thereafter convene a State commit-  
14 tee of practitioners to review the emergency regulation  
15 prior to issuance in final form.

16 “(c) IDENTIFICATION AS STATE REQUIREMENT.—  
17 The imposition of any State rule or policy relating to the  
18 administration and operation of programs funded by this  
19 chapter (including those based on State interpretation of  
20 any Federal law, regulation, or guideline) shall be identi-  
21 fied as a State imposed requirement.

22 **“Subpart 4—Studies**

23 **“SEC. 1461. REPORT ON STATE AND LOCAL EVALUATIONS.**

24 “The Secretary shall submit a comprehensive and de-  
25 tailed report concerning State and local evaluation results



1 based on data collected under sections 1012, 1021,  
2 1107(a), 1202(a)(6), and 1242(d) to the appropriate com-  
3 mittees of the Congress on a biennial basis.”.

4 **SEC. 203. DEFINITIONS.**

5 Section 1471 of the Elementary and Secondary Edu-  
6 cation Act of 1965 is amended by adding at the end the  
7 following:

8 “(24) ‘Economically deprived’ means being  
9 from a low-income family as defined in section 1005.

10 “(25) The term ‘limited English proficient’  
11 means a language minority person who has difficulty  
12 understanding, speaking, reading, or writing the  
13 English language at a level appropriate to his or her  
14 age and grade and is, thereby, academically deprived  
15 in programs conducted exclusively in English.

16 “(26) The term ‘language minority’ means—

17 “(A) individuals whose native language is  
18 other than English;

19 “(B) individuals who usually speak a lan-  
20 guage other than English or come from home  
21 environments where a language other than Eng-  
22 lish is usually spoken; or

23 “(C) American Indians, Alaskan Natives,  
24 and Hawaiian Natives.

1           “(27) ‘Essential educational services’ shall in-  
2       clude preschool child development programs; reading  
3       programs in the early grades; adequate pupil-staff  
4       ratios in the classrooms; counseling, health, and so-  
5       cial services; the education and experience of teach-  
6       ers, including the distribution of experienced and in-  
7       experienced teachers among schools and local edu-  
8       cational agencies, certification of teachers, including  
9       National Board certification, and assignment to  
10      teach in their area of certification; a broad and com-  
11      prehensive curriculum, including appropriate courses  
12      at each grade level designed to teach the advanced  
13      skills and knowledge called for under section  
14      1012(a); and services for limited English proficient  
15      students.

16           “(28) ‘Comparable services’ refers to services of  
17      a substantially equivalent nature, duration, intensity,  
18      method, and effectiveness.

19           “(29) ‘Comparable needs’ refers to identified  
20      needs of children for services to address substan-  
21      tially similar needs, problems, or conditions, and  
22      may be measured in terms of age or grade level,  
23      family income, and behavioral and academic indicia  
24      of need.

1           “(30) ‘High-level knowledge and skills’ include  
2           the ability to reason, to read, understand, interpret,  
3           and analyze complex material in a broad range of  
4           academic subjects; to use quantitative skills for plan-  
5           ning, analysis, and problem solving; to speak and  
6           write effectively; to produce as well as to reproduce  
7           knowledge; and to work cooperatively in teams as  
8           well as to think and act independently.

9           “(31) ‘Broad and challenging curriculum’ en-  
10          compasses material that will foster the mastery of  
11          high level knowledge and skills in disciplines, includ-  
12          ing but not limited to, reading, writing, mathe-  
13          matics, science, history, and geography.

14          “(32) The term ‘native language,’ when used  
15          with reference to an individual, means the language  
16          normally used by such individuals, or, in the case of  
17          a child, the language normally used by the parents  
18          of the child.”.

## 19                   **TITLE III—BILINGUAL** 20                   **EDUCATION**

### 21   **SEC. 301. BILINGUAL EDUCATION.**

22          Title VII of the Elementary and Secondary Edu-  
23          cation Act of 1965 is amended to read as follows:

1                   **“TITLE VII—BILINGUAL**  
2                   **EDUCATION PROGRAMS**

3   **“SEC. 7001. SHORT TITLE.**

4    “This title may be cited as the ‘Bilingual Education Act’.

5   **“SEC. 7002. FINDINGS, POLICY, AND PURPOSE.**

6       “(a) FINDINGS.—The Congress finds that—

7               “(1) language-minority Americans constitute a  
8       large and growing proportion of the Nation’s popu-  
9       lation;

10              “(2) language-minority Americans speak vir-  
11       tually all world languages plus many that are indige-  
12       nous to the United States;

13              “(3) while language-minority Americans live in  
14       all parts of the Nation, they are highly concentrated  
15       in certain States and communities;

16              “(4) the presence of language-minority Ameri-  
17       cans is related to past and current Federal actions  
18       and policies respecting territorial acquisition, immi-  
19       gration, refugee protection, the conduct of national  
20       diplomacy, and the prosecution of wars;

21              “(5) many language-minority Americans are  
22       limited in their English proficiency, and many have  
23       limited education and income;

24              “(6) limited-English-proficient children, like all  
25       other children, have diverse educational needs and

1 strengths and therefore require access to all edu-  
2 cational programs and services;

3 “(7) many language-minority and limited-Eng-  
4 lish-proficient students continue to be deprived of  
5 equal educational opportunity, and the Federal Gov-  
6 ernment has a special and continuing obligation to  
7 assist in providing equal educational opportunity and  
8 eliminating segregation;

9 “(8) the Federal Government has a responsibil-  
10 ity for the education of American Indians and a spe-  
11 cial obligation to Native Alaskans, Native Hawaiians  
12 and native residents of the territories and freely as-  
13 sociated nations to redress the effect of past Federal  
14 policies which repressed native languages and cul-  
15 tures;

16 “(9) research has shown that linguistically in-  
17 appropriate educational practices, including invalid  
18 and unreliable assessments, contribute to a wide  
19 range of serious education problems affecting lan-  
20 guage-minority and limited-English-proficient stu-  
21 dents including high rates of student grade reten-  
22 tion, overrepresentation in special education pro-  
23 grams, under-representation in gifted and talented  
24 education programs, disproportionate tracking into

1 noncollegiate and occupational dead-end programs,  
2 and high school dropout rates;

3 “(10) many institutions of higher education fail  
4 to appropriately prepare teachers, administrators  
5 and other school personnel to understand and build  
6 upon the educational strengths and needs of lan-  
7 guage-minority and culturally diverse student enroll-  
8 ments;

9 “(11) it is the responsibility of all schools to en-  
10 sure that limited-English-proficient students master  
11 English and develop high levels of academic attain-  
12 ment in content areas;

13 “(12) a primary means by which a child learns  
14 is through the use of the child’s native language,  
15 cultural heritage, and instructional programs which  
16 utilize and build upon a child’s non-English native  
17 language and cultural heritage promote parent and  
18 community involvement in education, and student  
19 self-esteem, proficiency in English and subject mat-  
20 ter achievement;

21 “(13) quality bilingual programs enable chil-  
22 dren to learn English and meet high academic  
23 standards including proficiency in more than one  
24 language;

1           “(14) as the world becomes increasingly inter-  
2           dependent and as international communication be-  
3           comes a daily occurrence in government, business,  
4           commerce, and family life, multilingual skills con-  
5           stitute an important national resource which de-  
6           serves protection and development;

7           “(15) educational technology has the potential  
8           for improving the education of language-minority  
9           and limited-English-proficient students and their  
10          families, and the Federal Government should foster  
11          this development; and

12          “(16) research, development, implementation  
13          and dissemination of effective bilingual education  
14          methods, practices, and programs are essential to  
15          systemwide school reform that improves education  
16          for all children.

17          “(b) POLICY.—Congress declares it to be the policy  
18          of the United States to promote educational excellence and  
19          equal educational opportunity for all children including  
20          language-minority and limited-English-proficient students  
21          by developing the capacity of State and local educational  
22          agencies, institutions of higher education, and community  
23          based organizations to deliver bilingual education pro-  
24          grams and services.

1       “(c) PURPOSE.—The purpose of this title is to de-  
2   velop—

3               “(1) systemic improvement and reform of edu-  
4       cational programs serving language-minority and  
5       limited-English-proficient students through the de-  
6       velopment and implementation of exemplary bilin-  
7       gual education programs;

8               “(2) a national network of information collec-  
9       tion and dissemination, research, materials develop-  
10      ment, and technical assistance including support for  
11      program evaluations and student assessments which  
12      is focused on school improvement for language-mi-  
13      nority and limited-English-proficient students; and

14              “(3) programs which strengthen and improve  
15      the professional training of educational personnel  
16      who work with limited-English-proficient and lan-  
17      guage-minority students.

18   **“SEC. 7003. AUTHORIZATION OF APPROPRIATIONS.**

19       “(a) IN GENERAL.—There are authorized to be ap-  
20   propriated \$300,000,000 for the fiscal year 1994,  
21   \$450,000,000 for the fiscal year 1995, \$500,000,000 for  
22   the fiscal year 1996, \$550,000,000 for fiscal year 1997  
23   and such sums in subsequent years for the purpose of car-  
24   rying out the provisions of this title.



1       “(b) DISTRIBUTION.—From the sums appropriated  
2 under subsection (a) for any fiscal year, the Secretary  
3 shall reserve 60 percent for the programs carried out  
4 under part A, 15 percent for part B and 25 percent for  
5 part C of this title;

6       “(c) EVALUATION.—Of the funds provided under this  
7 title, 0.5 percent shall be reserved for evaluation of activi-  
8 ties conducted under this title. Such evaluations shall be  
9 conducted for at least a representative sample of each type  
10 of grants for the purpose of improving instructional prac-  
11 tice through identification and dissemination of exemplary  
12 models and products through the national bilingual edu-  
13 cation network and other means. Evaluation of part A pro-  
14 grams shall be conducted in accordance with the provi-  
15 sions set out in section 7037.

16       “(d) REVIEW.—Of funds provided under this title,  
17 the Secretary may use 0.15 percent for costs associated  
18 with monitoring implementation and outcomes of grants  
19 made under this title. Permissible costs include, but are  
20 not limited to travel, field visits and program evaluation.

21 **“SEC. 7004. DEFINITIONS; REGULATIONS:**

22       “(a) GENERAL RULE.—For purposes of this title—

23               “(1) The term ‘native language’, when used  
24 with reference to an individual, means the language  
25 normally used by such individuals, or, in the case of

1 a child, the language normally used by the parents  
2 of the child.

3 “(2) The term ‘language-minority’ means—

4 “(A) individuals whose native language is  
5 other than English;

6 “(B) individuals who usually speak a lan-  
7 guage other than English or come from home  
8 environments where a language other than Eng-  
9 lish is usually spoken; or

10 “(C) American Indians, Alaskan Natives,  
11 and Hawaiian Natives and native residents of  
12 the territories and freely associated nations.

13 “(3) The term ‘limited-English-proficient’  
14 means a language-minority person who has difficulty  
15 understanding, speaking, reading, or writing the  
16 English language at a level appropriate to his or her  
17 age and grade and is, thereby, academically dis-  
18 advantaged in programs conducted exclusively in  
19 English.

20 “(4) The term ‘bilingual education’ refers to  
21 educational programs for limited-English-proficient  
22 students which make instructional use of both Eng-  
23 lish and a student’s native language. Programs of  
24 bilingual education must enable limited-English-pro-  
25 ficient students to achieve English proficiency and

1 academic mastery of subject matter content and  
2 higher order skills, including critical thinking, so as  
3 to meet age-appropriate grade-promotion and grad-  
4 uation standards and national education goals. Bi-  
5 lingual education programs may also develop the na-  
6 tive language skills of limited-English-proficient stu-  
7 dents, or ancestral languages of American Indians,  
8 Alaskan Natives, Hawaiian Natives and native resi-  
9 dents of the territories and freely associated nations.  
10 English proficient students may participate in bilin-  
11 gual education programs if the programs are de-  
12 signed to enable all enrolled students to become pro-  
13 ficient in English and a second language.

14 “(5) The term ‘special alternative instructional  
15 program’ refers to educational programs for limited-  
16 English-proficient students which utilize specially de-  
17 signed English language curricula and services but  
18 do not use the students native language for instruc-  
19 tional purposes. Special alternative instructional pro-  
20 grams must enable limited-English-proficient stu-  
21 dents to achieve English proficiency and academic  
22 mastery of subject matter content and higher order  
23 skills, including critical thinking so as to meet age-  
24 appropriate grade-promotion and graduation stand-  
25 ards and national education goals. Special alter-

1 native instructional programs are suitable for  
2 schools where the diversity of the limited-English-  
3 proficient students' native languages and the small  
4 number of students speaking each respective lan-  
5 guage makes bilingual education impractical.

6 “(6) The term ‘family education programs’ re-  
7 fers to bilingual education or special alternative in-  
8 structional programs designed to help limited-Eng-  
9 lish-proficient adults and out of school youths  
10 achieve proficiency in the English language and to  
11 provide instruction on how parents and family mem-  
12 bers can facilitate the educational achievement of  
13 their children. Such programs shall give preference  
14 to participation by parents and immediate family  
15 members of children attending school. Family edu-  
16 cation programs may also provide instruction to fa-  
17 cilitate higher education and employment outcomes.

18 “(7) The term ‘institution of higher education’  
19 has the meaning given such term in section 1201 (a)  
20 of the Higher Education Act of 1965.

21 “(8) The term ‘Office’ means the Office of Bi-  
22 lingual Education and Minority Languages Affairs.

23 “(9) The term ‘Assistant Secretary’ means the  
24 Assistant Secretary of the Office of Bilingual Edu-  
25 cation and Minority Languages Affairs.

1           “(10) The term ‘Secretary’ means the Secretary  
2 of Education.

3           “(11) The term ‘articulation agreement’ means  
4 a commitment to a postsecondary program, which  
5 may include secondary school programs, designed to  
6 provide students with a nonduplicative sequence of  
7 progressive achievement leading to meeting profes-  
8 sional standards and certification as a bilingual  
9 teacher.

10           “(12) The term ‘community college’ has the  
11 meaning given such term in section 1201 (a) of the  
12 Higher Education Act of 1965 for an institution  
13 which provides not less than a 2-year program which  
14 is acceptable for full credit toward a bachelor’s de-  
15 gree, including institutions receiving assistance  
16 under the Tribally Controlled Community College  
17 Assistance Act of 1978.

18           “(13) The term ‘bilingual career ladder pro-  
19 gram’ means a program, linking elementary or sec-  
20 ondary schools and postsecondary institutions, which  
21 is open to participation by educational personnel and  
22 to secondary and postsecondary students, which—

23                   “(A) leads to certification as a bilingual  
24 teacher; and

25                   “(B) leads to placement in employment.

1           “(14) The term ‘paraprofessional’ means an in-  
2       dividual who is employed in preschool or elementary  
3       or secondary school under the supervision of a cer-  
4       tified or licensed teacher, including individuals em-  
5       ployed in bilingual education, special education and  
6       migrant education.

7           “(15) The term ‘local educational agency’  
8       means a public board of education or other public  
9       authority legally constituted within a State for either  
10      administrative control or direction of, or to perform  
11      a service or function for, public elementary or sec-  
12      ondary schools in a city, county, township, school  
13      district or other political subdivision of a State or  
14      such combination of school districts or counties as  
15      are recognized in a State as an administrative agen-  
16      cy for its public elementary or secondary schools.  
17      Such term includes any other public institution or  
18      agency having administrative control and direction  
19      of a public elementary or secondary school as well as  
20      those local government agencies separate from the  
21      State Department of Education whose mission is the  
22      preservation and maintenance of native languages.  
23      For the purpose of carrying out programs under this title  
24      for individuals served by elementary, secondary or post-  
25      secondary schools operated predominantly for Indian or

1 Alaskan or Hawaiian Native students, an Indian tribe or  
2 tribally sanctioned educational authority may be consid-  
3 ered a local educational agency as such term is used in  
4 this title, subject to the following qualifications:

5           “(A) The term ‘Indian tribe’ means any  
6           Indian tribe, band, nation or other organized  
7           group or community, including any Alaska Na-  
8           tive village or regional or village corporations as  
9           defined in or established pursuant to the Alas-  
10          kan Native Claims Settlement Act (85 Stat.  
11          588) which is recognized for the special pro-  
12          grams and services provided by the United  
13          States to Indians because of their status as In-  
14          dians.

15          “(B) The term ‘tribally sanctioned edu-  
16          cational authority’ means any department or di-  
17          vision of education operating within the admin-  
18          istrative structure of the duly constituted gov-  
19          erning body of an Indian tribe, as well as any  
20          nonprofit institution or organization which is  
21          chartered by the governing body of an Indian  
22          tribe to operate any such school or oversee de-  
23          livery of educational services to members of  
24          that tribe which is approved by the Secretary  
25          for the purposes of this section.

1           “(16) The term ‘other relevant local, State, and  
2       Federal programs’ includes Head Start, Even Start,  
3       Chapter 1 of the Elementary and Secondary Edu-  
4       cation Act, Individuals With Disabilities Educational  
5       Act, foreign language education, Eisenhower Math  
6       and Science programs, magnet schools, vocational  
7       and applied technology education, adult education,  
8       the National Literacy Act, Job Training Partnership  
9       Act, and Job Opportunities and Basic Skills Train-  
10      ing Program, Vocational and Applied Technology  
11      Education Act, and the Library Services and Con-  
12      struction Act.

13           “(17) The term ‘community-based organization’  
14      means a private nonprofit organization or Indian  
15      tribe or tribally sanctioned educational authority  
16      which is representative of a community or significant  
17      segments of a community and which provides edu-  
18      cational or related services to individuals in the com-  
19      munity.

20           “(b) REGULATION RULE.—(1) In prescribing regula-  
21      tions under this title, the Secretary shall consult with  
22      State and local educational agencies, organizations rep-  
23      resenting persons of limited English proficiency, and orga-  
24      nizations representing teachers and other personnel in-  
25      volved in bilingual education.



1       “(2) The Secretary shall not prescribe any regula-  
2 tions under this title that further define the terms defined  
3 in subsection (a) or any regulations restricting or expand-  
4 ing the definitions set out in subsection (a).

5       “(c) SPECIAL INFORMATION RULE.—Parents of chil-  
6 dren participating in programs assisted under this title  
7 shall be informed of—

8           “(1) a student’s level of English proficiency,  
9 how it was assessed, the status of a student’s aca-  
10 demic achievement and the implications of a stu-  
11 dent’s educational strengths and needs for age and  
12 grade appropriate academic attainment, promotion,  
13 and graduation;

14          “(2) what programs are available to meet the  
15 student’s educational strengths and needs and how  
16 the programs differ in content and instructional  
17 goals, and in the case of a handicapped student, how  
18 the program meets the objectives of a student’s indi-  
19 vidualized education plan;

20          “(3) the instructional goals of the bilingual edu-  
21 cation or special alternative instructional program,  
22 and how the program will specifically help the lim-  
23 ited-English-proficient student acquire English and  
24 meet age-appropriate standards for grade-promotion  
25 and graduation;

1           “(4) parents shall also be informed that they  
2       have the option of declining enrollment of their chil-  
3       dren in such programs and shall be given an oppor-  
4       tunity to do so if they so choose;

5           “(5) every effort shall be made to provide infor-  
6       mation required by this subsection in a language  
7       and form that is comprehensible to the parents; and

8           “(6) no action may involve the admission or ex-  
9       clusion of students to or from any federally assisted  
10      education program merely on the basis of the sur-  
11      names or language-minority status of such students.

12   **“PART A—BILINGUAL EDUCATION CAPACITY AND**  
13                   **DEMONSTRATION GRANTS**

14   **“SEC. 7021. PURPOSE OF GRANTS.**

15       “Grants under this part shall be used to develop the  
16   capacity of educational agencies, institutions of higher  
17   education, and community-based organization providers of  
18   educational programs and services to initiate, develop, en-  
19   hance or improve bilingual education or special alternative  
20   instruction programs for limited-English-proficient stu-  
21   dents.

22   **“SEC. 7022. PROGRAM DEVELOPMENT AND IMPLEMENTA-**  
23                   **TION GRANTS.**

24       “(a) PURPOSE.—The purpose of this section is to  
25   provide financial assistance to eligible applicants to de-

1 velop and implement new comprehensive, coherent, and  
2 successful bilingual education or special alternative in-  
3 structional programs for limited-English-proficient stu-  
4 dents including programs of early childhood education, K-  
5 12 education, special education, gifted and talented edu-  
6 cation, and vocational and applied technology education.

7 “(b) PROGRAM AUTHORIZED.—

8 “(1) The Secretary is authorized to make pro-  
9 gram development and implementation grants of up  
10 to \$100,000 annually for 5 years to eligible appli-  
11 cants.

12 “(2) Grants approved under this section shall  
13 be used to improve the education of limited-English-  
14 proficient students and their families by—

15 “(A) developing and implementing com-  
16 prehensive preschool, elementary, or secondary  
17 bilingual education or special alternative in-  
18 structional programs that are coordinated with  
19 other relevant programs and services to meet  
20 the full range of educational needs of limited-  
21 English-proficient students;

22 “(B) providing inservice training to class-  
23 room teachers, administrators, and other school  
24 or community-based organizational personnel to  
25 improve the instruction and assessment of lan-

1           guage-minority and limited-English-proficient  
2           students; and

3           “(C) implementing family education pro-  
4           grams and activities.

5           “(c) PROGRAM PLAN.—To be eligible to receive a  
6 grant under this section, eligible applicants shall submit  
7 a plan of operation as part of the application provided for  
8 in section 7027 which includes—

9           “(1) a description of the population to be  
10 served, their educational needs, and the approximate  
11 number of participants in the proposed program;

12           “(2) a description of the instructional program,  
13 student services, inservice training, and family edu-  
14 cation programs to be provided under the grant;

15           “(3) a description, if appropriate, of the rela-  
16 tionship between the proposed program and other  
17 school improvement efforts of the applicant pursuant  
18 to local or State education improvement plans, in-  
19 cluding any developed under Goals 2000 or Chapter  
20 1;

21           “(4) a description of the program’s goals and  
22 expected student outcomes and methods for monitor-  
23 ing attainment of those goals and outcomes;

24           “(5) a description, if appropriate, of the appli-  
25 cant’s collaborative activities with institutions of

1 higher education, community-based organizations,  
2 local or State educational agencies, private schools,  
3 nonprofit organizations or businesses in carrying out  
4 the proposed program;

5 “(6) a description of how the proposed program  
6 will be coordinated with other local, State, and Fed-  
7 eral programs and how the resources of those pro-  
8 grams will be used for the education of limited-Eng-  
9 lish-proficient students and contribute to the attain-  
10 ment of the goals described in the grant application;  
11 and

12 “(7) a budget for grant funds.

13 “(d) ELIGIBLE ENTITIES.—A grant may be made  
14 under this section only upon application by one or more  
15 local educational agencies, applying alone or in collabora-  
16 tion with an institution of higher education, community-  
17 based organization or local or State educational agency.  
18 A grant also may be made under this section upon applica-  
19 tion by a community-based organization to develop and  
20 implement early childhood education or family education  
21 programs or to conduct an instructional program which  
22 supplements the educational services provided by a local  
23 educational agency.

1 “(e) PRIORITY.—The Secretary shall give priority to  
2 applications for early childhood education and secondary  
3 education programs.

4 **“SEC. 7023. PROGRAM ENHANCEMENT PROJECTS.**

5 “(a) PURPOSE.—The purpose of this section is to  
6 provide financial assistance to eligible applicants to carry  
7 out highly focused, innovative, locally designed projects to  
8 expand or enhance existing bilingual education or special  
9 alternative instructional programs for limited-English-pro-  
10 ficient students.

11 “(b) PROGRAM AUTHORIZED.—

12 “(1) The Secretary is authorized to make pro-  
13 gram enhancement project grants of up to \$100,000  
14 for 2 years to eligible applicants.

15 “(2) Grants approved under this section may be  
16 used for—

17 “(A) improving the instructional program  
18 for limited-English-proficient students by up-  
19 grading curriculum, instructional materials, and  
20 assessment procedures and, if appropriate, ap-  
21 plying educational technology;

22 “(B) providing inservice training to class-  
23 room teachers, administrators, and other school  
24 or community-based organization personnel to  
25 improve the instruction and assessment of lan-

1           guage-minority and limited-English-proficient  
2           students;

3           “(C) implementing family education pro-  
4           grams and activities; and

5           “(D) providing intensified instruction.

6           “(c) PROJECT PLAN.—To be eligible to receive a  
7           grant under this section, eligible applicants shall submit  
8           a plan of operation as part of the application provided for  
9           in section 7027 which includes—

10           “(1) a description of the population to be  
11           served, their educational needs, and the approximate  
12           number of participants in the proposed project;

13           “(2) a description of the existing bilingual edu-  
14           cation or special alternative instruction program  
15           which the project is designed to enhance;

16           “(3) a description of proposed project activities;

17           “(4) a description, if appropriate, of the rela-  
18           tionship between the proposed project and other  
19           school improvement efforts of the applicant pursuant  
20           to local or State education improvement plans in-  
21           cluding any developed under Goals 2000 or Chapter  
22           1;

23           “(5) a description of the project’s goals and ex-  
24           pected student outcomes and methods for monitor-  
25           ing attainment of those goals and outcomes;

1           “(6) a description, if appropriate, of the appli-  
2       cant’s collaborative activities with institutions of  
3       higher education, community based organizations,  
4       local or State educational agencies, private schools,  
5       nonprofit organizations or businesses in carrying out  
6       the proposed project;

7           “(7) a description of how the proposed project  
8       will be coordinated with other local, State, and Fed-  
9       eral programs and how the resources of those pro-  
10      grams will be used for the education of limited-Eng-  
11      lish-proficient students and contribute to the attain-  
12      ment of the goals described in the grant application;  
13      and

14           “(8) a budget for grant funds.

15           “(d) ELIGIBLE ENTITIES.—A grant may be made  
16      under this section only upon application by one or more  
17      local educational agencies, applying alone or in collabora-  
18      tion with an institution of higher education, community-  
19      based organization or local or State educational agency.  
20      A grant also may be made under this section upon applica-  
21      tion by a community-based organization to enhance early  
22      childhood education or family education programs or to  
23      conduct an instructional project which supplements the  
24      educational services provided by a local educational agen-  
25      cy.



1 **“SEC. 7024. WHOLE-SCHOOL PROGRAMS.**

2       “(a) PURPOSE.—The purpose of this section is to  
3 provide financial assistance to eligible applicants to re-  
4 form, restructure, and upgrade all relevant programs and  
5 operations within an individual school to fulfill the com-  
6 prehensive educational needs of all of a school’s limited-  
7 English-proficient students and their families.

8       “(b) PROGRAM AUTHORIZED.—

9               “(1) The Secretary is authorized to make 5-  
10 year grants of up to \$100,000 for the first year and  
11 up to \$250,000 for each of the subsequent 4 years  
12 to eligible applicants.

13               “(2) Grants approved under this section shall  
14 be used to improve education of limited-English-pro-  
15 ficient students and their families by reviewing, re-  
16 structuring, and upgrading—

17                       “(A) the school’s instructional program for  
18 limited-English-proficient students including  
19 curriculum, instructional materials, and assess-  
20 ment systems, and, if appropriate, applying  
21 educational technology;

22                       “(B) inservice training for all school staff  
23 and, if appropriate, for community-based orga-  
24 nization personnel;

25                       “(C) family education programs and activi-  
26 ties; and

1           “(D) intensified instruction.

2           “(3) During the first year of the grant, funds  
3       may only be used for preparatory activities including  
4       planning, training, curriculum development, and ma-  
5       terials acquisition or development.

6       “(c) PROJECT PLAN.—To be eligible to receive a  
7       grant under this section, eligible applicants shall submit  
8       a plan of operation as part of the application provided for  
9       in section 7027 which includes—

10           “(1) a description of the population to be  
11       served, their educational needs, and the approximate  
12       number of participants in the proposed program;

13           “(2) a description of the instructional program,  
14       student services, inservice training, and family edu-  
15       cation programs to be provided under the grant;

16           “(3) a description, if appropriate, of the rela-  
17       tionship between the proposed program and other  
18       school improvement efforts of the applicant pursuant  
19       to local or State education improvement plans in-  
20       cluding any developed under Goals 2000 or Chapter  
21       1;

22           “(4) a description of the program’s goals and  
23       expected student outcomes and methods for monitor-  
24       ing attainment of those goals and outcomes;

1           “(5) a description, if appropriate, of the appli-  
2       cant’s collaborative activities with institutions of  
3       higher education, community-based organizations,  
4       local or State education agencies, private schools,  
5       nonprofit organizations or businesses in carrying out  
6       the proposed program;

7           “(6) a description of how the proposed program  
8       will be coordinated with other local, State, and Fed-  
9       eral programs and how the resources of those pro-  
10      grams will be used for the education of limited-Eng-  
11      lish-proficient students and contribute to the attain-  
12      ment of the goals described in the grant application;  
13      and

14           “(7) a budget for grant funds.

15       “(d) ELIGIBLE ENTITIES.—A grant may be made  
16      under this section only upon application by one or more  
17      local educational agencies, applying alone or in collabora-  
18      tion with an institution of higher education, community-  
19      based organizations or local or State educational agency.

20       “(e) PRIORITY.—The Secretary shall give priority to  
21      applications for schools which enroll a large portion of lim-  
22      ited-English-proficient students.

23      **“SEC. 7025. SYSTEM-WIDE IMPROVEMENT GRANTS.**

24       “(a) PURPOSE.—The purpose of this section is to  
25      provide financial assistance to improve, reform, and up-

1 grade relevant programs and operations with an entire  
2 local or state education agency to fulfill the comprehensive  
3 educational needs of all the agency's limited-English-pro-  
4 ficient students and their families.

5 “(b) PROGRAM AUTHORIZED.—

6 “(1) The Secretary is authorized to make 5-  
7 year grants of up to \$1,000,000 for the first year  
8 and up to \$5,000,000 for each of the subsequent 4  
9 years to eligible applicants.

10 “(2) Grants approved under this section shall  
11 be used to improve education of limited-English-pro-  
12 ficient students and their families by reviewing, re-  
13 structuring, and upgrading—

14 “(A) educational goals, curriculum guide-  
15 lines and content, standards and assessments;

16 “(B) personnel policies and practices in-  
17 cluding recruitment, certification, staff develop-  
18 ment, and assignment;

19 “(C) student grade-promotion and gradua-  
20 tion requirements;

21 “(D) student assignment policies and prac-  
22 tices;

23 “(E) program delivery standards, manage-  
24 ment information and accountability systems;

1           “(F) instructional and extracurricular pro-  
2           grams and services; and

3           “(G) application of educational technology.

4           “(3) During the first year of the grant, funds  
5           may only be used for preparatory activities including  
6           planning, training, and development.

7           “(c) GRANT PLAN.—To be eligible to receive a grant  
8           under this section, eligible applicants shall submit a plan  
9           of operation as part of the application provided for in sec-  
10          tion 7027 which includes—

11           “(1) a description of the population to be  
12           served, their educational needs, and the approximate  
13           number of persons involved in or benefiting from the  
14           grant;

15           “(2) a description of the activities which would  
16           be carried out under the grant;

17           “(3) a description, if appropriate, of the rela-  
18           tionship between the proposed grant activities and  
19           other school improvement efforts of the applicant  
20           pursuant to local or State education improvement  
21           plans, including any developed under Goals 2000 or  
22           Chapter 1;

23           “(4) a description of the grant’s goals and ex-  
24           pected outcomes and methods for monitoring attain-  
25           ment of those goals and outcomes;

1           “(5) a description, if appropriate, of the appli-  
2       cant’s collaborative activities with institutions of  
3       higher education, community-based organizations,  
4       local or State education agencies, private schools,  
5       nonprofit organizations or businesses in carrying out  
6       grant activities;

7           “(6) a description of how grant activities will be  
8       coordinated with other local, State, and Federal pro-  
9       grams and how the resources of those programs will  
10      be used for the education of limited-English-pro-  
11      ficient students and contribute to the attainment of  
12      the goals described in the grant application; and

13           “(7) a budget for grant funds.

14           “(d) ELIGIBLE ENTITIES.—A grant may be made  
15      under this section only upon application by one or more  
16      local or State educational agencies, applying alone or in  
17      collaboration with an institution of higher education, com-  
18      munity-based organization or local or State educational  
19      agency.

20           “(e) PRIORITY.—The Secretary shall give priority to  
21      applications from—

22           “(1) applicants which enroll a large proportion  
23      of limited-English-proficient students; and

1           “(2) consortia of eligible applicants to serve  
2           limited-English-proficient students in rural and lin-  
3           guistically isolated settings.

4   **“SEC. 7026. GRANT EVALUATION REGULATIONS AND RE-**  
5           **QUIRED REPORTS.**

6           “(a) REGULATIONS.—The Secretary shall issue, not  
7           later than 6 months after the date of the enactment of  
8           this Act, regulations which set forth a comprehensive de-  
9           sign for assessing and reporting on activities supported  
10          by grants under this part. The regulations shall be devel-  
11          oped by the Secretary in consultation with the evaluation  
12          and assessment centers authorized in section 7037, State  
13          and local directors of bilingual education programs, and  
14          individuals and organizations with expertise in assessing  
15          limited-English-proficient students and evaluating edu-  
16          cational programs for limited-English-proficient students  
17          and their families. The regulations shall provide for the  
18          collection of formative information and data describing  
19          grant context, activities, and implementation as well as  
20          summative information and data on grant outcomes, the  
21          extent to which grant goals were achieved, and how im-  
22          provement efforts will continue after the conclusion of the  
23          grant. The regulations shall provide for critical consider-  
24          ation of the validity, reliability, and fairness of measure-  
25          ment instruments and procedures, including portfolio and

1 performance assessments, used to evaluate grant activities  
2 and their utility for improving educational outcomes.

3 “(b) EVALUATION REPORTS.—

4 “(1) Not later than 6 months after the comple-  
5 tion of each grant year recipients of grants under  
6 sections 7021, 7023, and 7024 shall submit to the  
7 Secretary an annual evaluation report which con-  
8 forms to the regulations developed pursuant to this  
9 section; and

10 “(2) not later than 6 months after the comple-  
11 tion of the final grant year, all recipients of grants  
12 under Part A shall submit to the Secretary and, if  
13 applicable, to the appropriate State educational  
14 agency, a final evaluation report, and summary,  
15 which conforms to the regulations authorized by the  
16 section.

17 **“SEC. 7027. APPLICATIONS.**

18 “(a) SUBMISSION.—To receive a grant under this  
19 part, applicants shall submit an application to the Sec-  
20 retary in such form and containing such information as  
21 the Secretary may require:

22 “(1) An application for a grant under this part  
23 shall be developed in consultation with an advisory  
24 council—



1           “(A) which with respect to applications by  
2           State educational agencies, shall be composed of  
3           representatives from the local educational agen-  
4           cies, institutions of higher education, and non-  
5           profit organizations located in the State;

6           “(B) which with respect to applications by  
7           other applicants eligible under this part, shall  
8           be composed of representatives of those entities  
9           responsible for implementing grant activities  
10          and parents and other relatives of the children  
11          to be served in such programs; parents shall  
12          comprise a majority of all council members;

13          “(C) and accompanied by documentation  
14          of such consultations and by the comments  
15          which the council makes on the application; and

16          “(D) contain an assurance that, after the  
17          application has been approved, the applicant  
18          will ensure continuing consultation and involve-  
19          ment of the council and will provide support of  
20          additional advisory council activities if support  
21          is requested by the advisory council.

22          “(2) All applicants for grants under this part,  
23          except for those applicants identified in section  
24          7004(a)(15)(A) and section 7004(a)(17), shall sub-  
25          mit a copy of the application to the relevant State

1 educational agency. The State educational agency  
2 may submit to the Secretary written comments on  
3 the application and rank-listings of applications with  
4 respect to how the applications further State edu-  
5 cation improvement plans including any developed  
6 under Goals 2000 or Chapter 1. The Secretary shall  
7 take comments and rankings into consideration  
8 when funding applications under this part.

9 “(b) REQUIRED DOCUMENTATION.—Such applica-  
10 tion shall include documentation that the applicant has  
11 the qualified personnel required to develop, administer,  
12 and implement the program required by this part.

13 “(c) APPROVAL OF APPLICATIONS.—An application  
14 for a grant under this part may be approved only if the  
15 Secretary determines that—

16 “(1) the program will use qualified personnel,  
17 including those personnel who are proficient in the  
18 language or languages used for instruction;

19 “(2) in designing the program for which appli-  
20 cation is made, the needs of children in nonprofit  
21 private elementary and secondary schools have been  
22 taken into account through consultation with appro-  
23 priate private school officials and, consistent with  
24 the number of such children enrolled in such schools  
25 in the area to be served whose educational needs are

1 of the type and whose language and grade levels are  
2 of a similar type which the program is intended to  
3 address, after consultation with appropriate private  
4 school officials, provision has been made for the par-  
5 ticipation of such children on a basis comparable to  
6 that provided for public school children;

7 “(3) student evaluation and assessment proce-  
8 dures in the program are valid, reliable, and fair for  
9 limited-English-proficient students, and that limited-  
10 English-proficient students who are disabled are  
11 identified and served in accordance with the require-  
12 ments of the Individuals with Disabilities Education  
13 Act;

14 “(4) Federal funds made available for the  
15 project or activity will be used so as to supplement  
16 the level of State and local funds that, in the ab-  
17 sence of such Federal funds, would have been ex-  
18 pended for special programs for children of limited  
19 English proficiency and in no case to supplant such  
20 State and local funds, except that nothing in this  
21 paragraph shall preclude a local educational agency  
22 from using funds under this title for activities car-  
23 ried out under an order of a court of the United  
24 States or of any State respecting services to be pro-  
25 vided such children, or to carry out a plan approved

1 by the Secretary as adequate under title VI of the  
2 Civil Rights Act of 1964 with respect to services to  
3 be provided such children;

4 “(5) the assistance provided under the applica-  
5 tion will contribute toward building the capacity of  
6 the applicant to provide a program on a regular  
7 basis, similar to that proposed for assistance, which  
8 will be of sufficient size, scope, and quality to prom-  
9 ise significant improvement in the education of stu-  
10 dents of limited-English-proficiency, and that the ap-  
11 plicant will have the resources and commitment to  
12 continue the program when assistance under this  
13 title is reduced or no longer available;

14 “(6) the applicant will provide or secure train-  
15 ing for personnel participating in or preparing to  
16 participate in the program which will assist them in  
17 meeting State and local certification requirements  
18 and that, to the extent possible, college or university  
19 credit will be awarded for such training; and

20 “(7) the applicant provides for utilization of the  
21 bilingual education network and other State and na-  
22 tional dissemination sources for program design and  
23 in dissemination of results and products.

24 “(d) SPECIAL CONSIDERATION AND PRIORITIES.—

1           “(1) The Secretary shall give priority to appli-  
2           cations which provide for the development of bilin-  
3           gual proficiency for all participating students.

4           “(2) Grants for special alternative instructional  
5           programs shall not exceed 25 percent of the funds  
6           provided for any type of grant under any section or  
7           of total funds provided under this part.

8           “(3) In approving applications under this part,  
9           the Secretary shall give consideration to the degree  
10          to which the program for which assistance is sought  
11          involves the collaborative efforts of institutions of  
12          higher education, community-based organizations,  
13          the appropriate local and State educational agency,  
14          or business.

15          “(4) The Secretary shall ensure that projects  
16          funded under this part address the full needs of  
17          school systems of all sizes and geographical areas,  
18          including rural schools.

19          “(e) INTENSIFIED INSTRUCTION.—In carrying out  
20          this title, each grantee may intensify instruction for lim-  
21          ited-English-proficient students by—

22                 “(1) lowering student-teacher classroom ratios;

23                 “(2) expanding the educational calendar of the  
24          school in which such student is enrolled to include

1 programs before and after school and during the  
2 summer months;

3 “(3) expanding the use of professional and vol-  
4 unteer aids;

5 “(4) applying technology to the course of in-  
6 struction; and

7 “(5) providing intensified instruction through  
8 supplementary instruction or activities, including  
9 educationally enriching extracurricular activities,  
10 during times when school is not routinely in session.

11 **“SEC. 7028. PROGRAMS IN PUERTO RICO.**

12 “Programs authorized under this title in the Com-  
13 monwealth of Puerto Rico may, notwithstanding any other  
14 provisions of this title, include programs of instruction,  
15 teacher training, curriculum development, research, eval-  
16 uation, and assessment and testing designed to improve  
17 both the English language proficiency of limited-English-  
18 proficient students and the Spanish language proficiency  
19 of limited-Spanish-proficient students.

20 **“SEC. 7029. INDIAN CHILDREN IN SCHOOLS.**

21 “(a) BUREAU OF INDIAN AFFAIRS SCHOOLS.—From  
22 the sums appropriated pursuant to section 7003, the Sec-  
23 retary is authorized to make payments to applicants to  
24 carry out programs of bilingual education for Indian chil-

1 dren served by elementary and secondary schools operated  
2 or funded by the Bureau of Indian Affairs.

3 “(b) ANNUAL REPORT.—(1) The Assistant Secretary  
4 of the Interior for the Bureau of Indian Affairs in collabo-  
5 ration with the Secretary shall submit to the Congress,  
6 the President, and the Secretary, by September 30 of each  
7 year, a report which provides—

8 “(A) an assessment of the educational outcomes  
9 and needs of Indian children with respect to the pur-  
10 poses of this title in schools operated or funded by  
11 the Department of the Interior, including tribes and  
12 local educational agencies receiving assistance under  
13 the Johnson-O’Malley Act and the Native American  
14 Languages Act; and

15 “(B) an assessment of the extent to which such  
16 needs are being met by funds provided to such  
17 schools for educational purposes through the Sec-  
18 retary of the Interior.

19 “(2) The results presented in this report shall be in-  
20 cluded in the report under section 7051(c) of this Act.

21 **“PART B—RESEARCH, DEVELOPMENT AND**  
22 **DISSEMINATION**

23 **“SEC. 7031. PURPOSE.**

24 “The purpose of this part is to provide for the im-  
25 proved education of limited-English-proficient and lan-

1 guage-minority students through the establishment and  
2 implementation of a national bilingual education network  
3 of research, data collection, instructional materials devel-  
4 opment, inservice training technical assistance, evaluation  
5 and dissemination, working in collaboration with local,  
6 State, and Federal agencies and the broader educational  
7 community, to improve the education of language-minority  
8 and limited-English-proficient students and their families  
9 and to ensure the success of programs, projects, and ac-  
10 tivities funded under this title.

11 **“SEC. 7032. THE NATIONAL BILINGUAL EDUCATION NET-**  
12 **WORK.**

13       “(a) ESTABLISHMENT.—The Secretary shall estab-  
14 lish the national bilingual education network, referred to  
15 in this part as the ‘network’. The network shall consist  
16 of the National Clearinghouse on Bilingual Education, the  
17 Evaluation and Assessment Centers, and the  
18 Multifunctional Resource Centers, and shall operate in  
19 close collaboration with the Department’s research, devel-  
20 opment and dissemination activities, including the Blue  
21 Ribbon Schools Program, the National Diffusion Network,  
22 the Educational Resources and Information Centers, the  
23 National Center for Research on Vocational Education,  
24 the regional education labs and centers operated by the  
25 Office of Educational Research and Improvement and



1 local and State education agencies. The network shall pro-  
2 vide a coherent system of research, instructional materials,  
3 development, technical assistance, and dissemination to  
4 practitioners, parents, and the public of information on  
5 language and education, including the roles of multilingual  
6 skills and bilingual education.

7       “(b) COLLABORATION AND COORDINATION OF DIS-  
8 SEMINATION.—The Secretary shall ensure that in con-  
9 ducting activities under this part, grantees shall collabo-  
10 rate with entities operated by the Department and other  
11 agencies, including the National Dissemination Network,  
12 the Educational Resources and Information centers, the  
13 regional educational labs and centers, the entities operated  
14 under the Carl D. Perkins Vocational and Applied Tech-  
15 nology Education Act, the Individuals with Disabilities  
16 Education Act, and the National Occupational Informa-  
17 tion Coordinating Committee. Each grantee under this  
18 part shall be responsible for providing copies of materials  
19 developed under the grant to the national clearinghouse  
20 on bilingual education for broader dissemination. The Sec-  
21 retary shall provide abstracts and relevant information re-  
22 garding funded projects and State and local educational  
23 agency services to language-minority and limited-English-  
24 proficient students to the national clearinghouse on bilin-  
25 gual education. The Secretary shall also use existing dis-

1 semination systems within the Department to ensure  
2 broad access at the State and local levels to information  
3 on exemplary instructional programs and related services  
4 for limited-English-proficient students and their families.

5       “(c) GIFTS, BEQUESTS, AND DEVISES.—The entities  
6 of the national bilingual education network may accept  
7 (but not solicit), use, and dispose of gifts, bequests, or  
8 devises of services or property, both real and personal for  
9 the purpose of aiding or facilitating the work of the na-  
10 tional bilingual education network. Gifts, bequests, or de-  
11 vises of money and proceeds from sales of other property  
12 received as gifts, bequests or devises shall be deposited in  
13 the Treasury and shall be available for disbursement upon  
14 order to the national clearinghouse on bilingual education,  
15 the Evaluation and Assessment Center or Multifunctional  
16 Resource Center, respectively.

17 **“SEC. 7033. RESEARCH.**

18       “(a) RESEARCH ACTIVITIES.—The Secretary shall  
19 provide through competitive grants to institutions of high-  
20 er education, nonprofit and for-profit organizations, and  
21 local and State educational agencies, for research studies  
22 which are of practical application to teachers, counselors,  
23 paraprofessionals, school administrators, parents, and oth-  
24 ers involved in improving the education of limited-English-  
25 proficient students and their families.

1 “(b) AUTHORIZED ACTIVITIES.—

2 “(1) The Secretary shall conduct research ac-  
3 tivities that include—

4 “(A) identifying criteria for the establish-  
5 ment, use and monitoring of local, State, or  
6 Federal education goals, content, performance  
7 and delivery standards, and assessments for all  
8 students that provide for valid, reliable, and fair  
9 participation by limited-English-proficient and  
10 language-minority students;

11 “(B) identifying determinants of appro-  
12 priate high quality secondary school programs  
13 for limited-English-proficient students, and the  
14 availability of high quality curriculum-related  
15 instructional materials; and

16 “(C) identifying determinants of appro-  
17 priate high quality early childhood development  
18 programs for limited-English-proficient chil-  
19 dren, including the role of families and the  
20 availability of appropriate high quality mate-  
21 rials.

22 “(2) The Secretary is authorized to conduct re-  
23 search activities under this part, including—

24 “(A) studies to identify models of effective  
25 program articulation that provide for student

1 success when entering English language class-  
2 rooms while developing and maintaining pro-  
3 ficiency in languages other than English;

4 “(B) studies of effective curricula and in-  
5 structional strategies for the development and  
6 maintenance of high levels of student pro-  
7 ficiency in both their native language and Eng-  
8 lish, including the role of family, community,  
9 and career contexts;

10 “(C) identification of strategies for effec-  
11 tive participation by limited-English-proficient  
12 parents in their children’s education for attain-  
13 ment of educational excellence;

14 “(D) methods of improving classification,  
15 placement, and services to limited-English-pro-  
16 ficient students including, but not limited to  
17 their participation in early childhood develop-  
18 ment programs, chapter 1, special education,  
19 foreign language education, and gifted and tal-  
20 ented education;

21 “(E) identification of methods for effective  
22 delivery of bilingual education to rural schools  
23 and in the less-commonly-taught languages  
24 using educational technology and electronic  
25 communications networks; and

1           “(F) identification of trends in demand for  
2           language skills and of career opportunities for  
3           individuals with high levels of proficiency in  
4           English and a second language.

5           “(c) FIELD-INITIATED RESEARCH.—The Secretary  
6 shall reserve at least 5 percent of the funds available  
7 under this section for field-initiated research by current  
8 or recent recipients of grants under parts A or C of this  
9 title. Research must be conducted by current grant recipi-  
10 ents or by former recipients who have received such grants  
11 within the previous 5 years. Field initiated research may  
12 provide for longitudinal studies of students or teachers in  
13 bilingual education, monitoring the education of such stu-  
14 dents from entry in bilingual education through high  
15 school completion. Applicants may submit an application  
16 for field-initiated research at the same time as applica-  
17 tions are submitted under part A or part C. The Secretary  
18 shall complete a review of such applications on a timely  
19 basis to allow research and program grants to proceed in  
20 coordination where appropriate.

21   **“SEC. 7034. COORDINATION OF RESEARCH.**

22           “The Secretary, in consultation with the Assistant  
23 Secretary, representatives of State and local education  
24 agencies, appropriate groups and organizations involved in  
25 bilingual education, the Committee on Labor and Human

1 Resources of the Senate, and the Committee on Education  
2 and Labor of the House of Representatives shall ensure  
3 that research, standards and assessment development, and  
4 data collection conducted or funded by the Department  
5 embodies a coherent research agenda that systematically  
6 addresses issues regarding the effective education of lan-  
7 guage-minority and limited-English-proficient students  
8 and their participation in system-wide school improve-  
9 ment.

10 **“SEC. 7035. EDUCATION STATISTICS.**

11       “(a) DATA COLLECTION.—(1) The Secretary, in con-  
12 sultation with the Office of Bilingual Education and Mi-  
13 nority Languages Affairs, the Office for Civil Rights, the  
14 National Center for Education Statistics and the Depart-  
15 ment of Labor, shall modify existing general purpose and  
16 program data systems to ensure that language-minority  
17 and limited-English-proficient populations are included in  
18 the design, implementation, and reporting of such systems  
19 in order to fulfill the information reporting requirements  
20 of this title. Such data systems shall include information  
21 on the number of language-minority students, their lin-  
22 guistic competencies in English and native languages, the  
23 quantity and quality of educational services received by  
24 such students, and the educational status of such students

1 in relation to achieving national educational goals and  
2 standards.

3       “(2) The National Center for Education Statistics  
4 shall collect data on the number and qualifications of  
5 teachers providing services to limited-English-proficient  
6 students, the nature of such services, and the language  
7 proficiencies of such teachers. Data on current and pro-  
8 jected demand for bilingual teachers and other educational  
9 personnel shall be collected, in consultation with local and  
10 State educational agencies, the Bureau of Labor Statis-  
11 tics, and the National Occupational Information Coordi-  
12 nating Committee.

13       “(3) The Secretary, acting through the National Cen-  
14 ter for Education Statistics and in consultation with the  
15 Office of Bilingual Education and Minority Languages Af-  
16 fairs, the National Cooperative Educational Statistics Sys-  
17 tem and experts in bilingual education, second language  
18 acquisition and English-as-a-second language, shall estab-  
19 lish a common definition of ‘limited-English-proficient’ for  
20 purposes of national data collection. Using this definition,  
21 the Secretary shall provide for continuing a collection of  
22 data on limited-English-proficient students as part of the  
23 data systems operated by the Department.

1       “(b) USE AND COMPATIBILITY WITH OTHER DATA  
2 SYSTEMS.—In carrying out the activities under this sec-  
3 tion the Secretary shall—

4           “(1) use existing data collection systems oper-  
5 ated by the Secretary and, to the extent appropriate,  
6 data collection systems operated by other Federal  
7 agencies and local and State education agencies;

8           “(2) conduct additional data collection, includ-  
9 ing increasing sample sizes for special populations,  
10 to augment the data collection systems described in  
11 subparagraph A by providing information necessary  
12 for policy analysis and program improvement re-  
13 quired in this title; and

14           “(3) use any independent data collection efforts  
15 that are complementary to the data collection efforts  
16 described in paragraphs (1) and (2).

17 **“SEC. 7036. GRANTS FOR STATE PROGRAMS.**

18       “(a) IN GENERAL.—The Secretary is authorized to  
19 make grants to State education agencies for data collec-  
20 tion and dissemination activities and assistance in building  
21 State capacity to serve limited-English-proficient students.

22       “(b) DATA COLLECTION AND DISSEMINATION.—  
23 Upon application from a State educational agency, the  
24 Secretary shall make provision for the submission and ap-  
25 proval of a State data collection program, developed in



1 consultation with the National Cooperative Education Sta-  
2 tistics System, for the collection, aggregation, analysis,  
3 and publication of data and information on the State's  
4 population of limited-English-proficient and language-mi-  
5 nority individuals and on the educational services provided  
6 or available to such persons. At a minimum, States shall  
7 provide current information and data on the language-mi-  
8 nority and limited-English-proficient populations, includ-  
9 ing trends in legislation, funding levels, language-minority  
10 student data, teacher certification requirements, criteria  
11 to identify limited English proficiency and any specific  
12 content, delivery or performance standards related to lan-  
13 guage-minority students.

14       “(c) ASSISTANCE IN BUILDING STATE CAPACITY TO  
15 SERVE LIMITED-ENGLISH-PROFICIENT STUDENTS.—  
16 Grants approved under this section shall provide for train-  
17 ing of State educational agency personnel in the design,  
18 planning, implementation, coordination, and evaluation of  
19 programs serving language-minority and limited-English-  
20 proficient students, and in valid, reliable, and fair mon-  
21 itoring of the impact of educational goals, standards, and  
22 assessments on such students. Such activities shall include  
23 outreach and technical assistance to tribal organizations,  
24 rural schools, and schools with high concentrations of low-  
25 income students in developing and submitting proposals

1 for funding of bilingual education and special alternative  
2 instructional programs under this title.

3 “(d) OTHER USES OF FUNDS.—State programs au-  
4 thorized under this section may also provide for—

5 “(1) the development or adoption of State  
6 goals, content and performance and delivery stand-  
7 ards, and assessments that are valid, reliable, and  
8 fair in assessing the educational strengths and needs  
9 of limited-English proficient and language-minority  
10 students;

11 “(2) the inclusion of data on limited-English  
12 proficient and language minority students as an in-  
13 tegrated element of the State educational agency’s  
14 general purpose and program data systems to ensure  
15 that adequate information on such students is in-  
16 cluded in the design, implementation, and reporting  
17 of such systems;

18 “(3) the planning and development of bilingual  
19 educational programs and special alternative instruc-  
20 tional programs for inclusion in any State education  
21 improvement plans, including any developed under  
22 Goals 2000 or chapter 1;

23 “(4) the review and evaluation of staffing, deliv-  
24 ery standards, and other aspects of bilingual edu-  
25 cation, special alternative instructional programs, in-

1 including programs that are not funded under this  
2 title;

3 “(5) the provision, coordination, or supervision  
4 of training, technical and other forms of non-  
5 financial assistance, in collaboration with the na-  
6 tional bilingual education network, to local edu-  
7 cational agencies, community-based organizations  
8 and schools that serve limited-English proficient in-  
9 dividuals;

10 “(6) the identification and dissemination of ex-  
11 emplary programs of bilingual education within the  
12 State and provision for national dissemination  
13 through the national bilingual education network, in-  
14 cluding assistance in applying for Federal and State  
15 programs recognizing exemplary schools or pro-  
16 grams;

17 “(7) the training of State and local educational  
18 agency staff to carry out the purposes of this title  
19 and assisting educational personnel in meeting State  
20 and local certification requirements for bilingual  
21 education and in content areas; and

22 “(8) other activities and services designed to  
23 build the capacity of the State and local educational  
24 agencies to serve the educational needs of individuals  
25 of limited English proficiency.

1       “(e) PAYMENTS.—The Secretary shall pay from the  
2 amounts appropriated under this part for each fiscal year  
3 to each State educational agency which has a State pro-  
4 gram submitted and approved under this section such  
5 sums as may be necessary for the proper and efficient con-  
6 duct of such State program. The amount paid by the Sec-  
7 retary to any State educational agency under the preced-  
8 ing sentence for any fiscal year may not be less than  
9 \$100,000 nor greater than 5 percent of the aggregate of  
10 the amounts paid through grants authorized under part  
11 A for programs within such State in the fiscal year preced-  
12 ing the fiscal year to which this limitation applies.

13       “(f) SUPPLEMENT NOT SUPPLANT.—Funds made  
14 available under this section for any fiscal year shall be  
15 used by the State educational agency to supplement and,  
16 to the extent practical, to increase to level of funds that  
17 would, in the absence of such funds, be made available  
18 by the State for the purposes described in this section,  
19 and in no case to supplant such funds.

20       “(g) REPORT TO THE SECRETARY.—State edu-  
21 cational agencies receiving grants under this section shall  
22 provide for the annual submission of a summary report  
23 to the Secretary containing information on such matters  
24 as the Secretary shall, by regulation, determine necessary  
25 and proper to achieve the purposes of this title, including

1 information on State capacity and progress in meeting the  
2 education needs of all limited-English-proficient children,  
3 timetables for additional action, the effect of standards  
4 and assessments in improving their education. Such re-  
5 ports shall be in such form and shall be submitted on such  
6 date as the Secretary shall specify by regulation.

7 **“SEC. 7037. INSTRUCTIONAL MATERIALS DEVELOPMENT.**

8       “The Secretary shall provide grants for the develop-  
9 ment, publication and dissemination of high quality in-  
10 structional materials in Native American and other lan-  
11 guages for which instructional materials are not readily  
12 available. The Secretary shall give priority to the develop-  
13 ment of instructional materials in languages indigenous to  
14 the United States, its territories, and freely associated na-  
15 tions. The Secretary shall also accord priority to applica-  
16 tions which provide for developing and evaluating mate-  
17 rials in collaboration with activities under parts A and C  
18 of this title.

19 **“SEC. 7038. EVALUATION AND ASSESSMENT CENTERS.**

20       “(a) ESTABLISHMENT.—

21               “(1) The Secretary shall establish, through a 5-  
22 year competitive grant program to institutions of  
23 higher education, not less than 2 evaluation and as-  
24 sessment centers (referred to in this title as ‘EACs’).

1 Additional centers may be established if funding for  
2 each existing center is not less than \$1,000,000.

3 “(2) The EACs shall provide technical assist-  
4 ance to local and State educational agencies regard-  
5 ing methods and techniques for assessing the  
6 strengths and needs of limited-English proficient  
7 and language minority students and evaluating pro-  
8 grams such as those assisted under this title, for the  
9 purpose of improving delivery of instruction, includ-  
10 ing the development and implementation of content,  
11 performance and delivery standards, and assess-  
12 ments.

13 “(b) SERVICES.—The EACs shall provide outreach,  
14 training, and technical assistance to State and local edu-  
15 cational agencies and other entities conducting programs  
16 funded under this title or similar to those funded under  
17 this title:

18 “(1) In accordance with the requirements of  
19 section 7003(c), the EACs shall conduct evaluations  
20 of a representative sample of all types of grants sup-  
21 ported under part A of this title. In conducting these  
22 evaluations, the EACs shall develop model evaluation  
23 materials that are written so that they are easily un-  
24 derstood by educators, policymakers, and the general  
25 public; adhere to established technical standards;

1 and provide the program staff and broader commu-  
2 nity with useful information and data for improving  
3 instructional services for language-minority and lim-  
4 ited-English-proficient students.

5 “(2) EACs shall provide coordinated training  
6 and technical assistance to State and local edu-  
7 cational agencies in—

8 “(A) fulfilling Federal and State evalua-  
9 tion requirements;

10 “(B) using program evaluations effectively  
11 to improve instructional services to language-  
12 minority and limited-English-proficient stu-  
13 dents;

14 “(C) involving parents and practitioners in  
15 the program evaluation process;

16 “(D) developing model evaluation designs,  
17 strategies, and systems;

18 “(E) developing and utilizing assessment  
19 instruments to ensure valid, reliable, and fair  
20 evaluations of language-minority and limited-  
21 English-proficient student performance; and

22 “(F) monitoring the use and impact of  
23 standards and assessments developed pursuant  
24 to State or local education improvement plans  
25 including any developed under Goals 2000 or

1 chapter 1 on language-minority and limited-  
2 English-proficient students.

3 **“SEC. 7039. MULTIFUNCTIONAL RESOURCE CENTERS.**

4 “(a) ESTABLISHMENT.—The Secretary shall estab-  
5 lish, through a 5-year competitive grant program, at least  
6 16 multifunctional resource centers (referred to in this  
7 title as ‘MRCs’). Grants shall be awarded with consider-  
8 ation given to the geographical and linguistic distribution  
9 of children of limited English proficiency and the number  
10 of projects funded under parts A and C of this title to  
11 be served by each MRC.

12 “(b) REQUIRED SERVICES.—

13 “(1) Each multifunctional resource center shall  
14 provide training and technical assistance related  
15 to—

16 “(A) the development and implementation  
17 of grants under parts A and C of this Act;

18 “(B) incorporating the results of research  
19 into teaching practice;

20 “(C) utilizing technology for instructional  
21 purposes; and

22 “(D) developing and implementing content,  
23 delivery and performance standards, and devel-  
24 oping and implementing family and community  
25 involvement activities.



1           “(2) In carrying out these activities MRCs  
2       may—

3                   “(A) develop training criteria;

4                   “(B) develop software training tutorials;

5                   “(C) integrate media in preparing training  
6       and technical assistance activities;

7                   “(D) develop training modules for ongoing  
8       programs to train teachers, counselors, para-  
9       professionals, school board members and ad-  
10      ministrators; and

11                  “(E) assist successful programs in apply-  
12      ing for local, State, or Departmental programs  
13      which recognize school excellence and provide  
14      technical assistance in the dissemination of in-  
15      formation through the national clearinghouse  
16      on bilingual education on such successful pro-  
17      grams.

18       “(c) TRAINING MATERIALS DEVELOPMENT AND DIS-  
19   SEMINATION.—

20                  “(1) Each MRC, in consultation with the clear-  
21      inghouse and the EACs, shall be responsible for de-  
22      veloping training modules and accompanying mate-  
23      rials with direct practical application for the im-  
24      provement of instruction for limited-English-pro-

1       ficient and language-minority students in one of the  
2       following areas:

3               “(A) The role of bilingualism in schoolwide  
4               and systemwide improvement, including partici-  
5               pation in local, State and national goals, stand-  
6               ards, and assessments.

7               “(B) Bilingualism and early childhood de-  
8               velopment.

9               “(C) Bilingual family empowerment in  
10              home-school partnerships.

11              “(D) Bilingualism and special education.

12              “(E) Bilingual gifted and talented edu-  
13              cation.

14              “(F) Bilingual math education.

15              “(G) Bilingual science education.

16              “(H) Effective bilingual programs in sec-  
17              ondary schools.

18              “(I) Bilingual vocational and applied tech-  
19              nology education including the role of bilingual  
20              skills in postsecondary education and career op-  
21              tions.

22              “(J) Bilingual adult education and job  
23              training, including adult literacy and workplace  
24              literacy programs.

1           “(K) Bilingual education program adminis-  
2           tration.

3           “(L) Native American language conserva-  
4           tion and development.

5           “(M) Counseling and career education pro-  
6           grams for limited-English-proficient students  
7           including the role of multilingual skills in evol-  
8           ving economy.

9           “(N) The role of sustained multilingual  
10          skills in educational excellence and career op-  
11          portunities.

12          “(O) Bilingual career ladder programs for  
13          teacher certification.

14          “(P) Education technology and distance  
15          learning in bilingual education.

16          “(Q) Other areas identified as high need  
17          areas in reviews by the Secretary.

18          “(2) Each MRC shall make the training mod-  
19          ules and materials developed under this section na-  
20          tionally available by providing copies of such mate-  
21          rials to the Clearinghouse and to all other MRCs.

22   **“SEC. 7040. NATIONAL CLEARINGHOUSE ON BILINGUAL**  
23   **EDUCATION.**

24          “(a) ESTABLISHMENT.—The Secretary shall,  
25          through a 5-year competitive grant program, provide for

1 the operation of a national clearinghouse on bilingual edu-  
2 cation which shall collect, analyze, and disseminate infor-  
3 mation about bilingual education and the education of lan-  
4 guage-minority and limited-English-proficient students  
5 and related research, policy and programs to educators,  
6 administrators, researchers, students and their families,  
7 and others.

8 “(b) SERVICES.—The clearinghouse shall—

9 “(1) establish a computerized information sys-  
10 tem in consonance with federally funded computer  
11 information networks, and with the Educational Re-  
12 sources and Information Center clearinghouses. The  
13 system shall be available to all recipients of funding  
14 under this title and shall consist of resources and  
15 bibliographic databases, a bulletin board, and elec-  
16 tronic mail. The system may include information re-  
17 lated to technology used for instructing language-mi-  
18 nority students and their families. Access to the sys-  
19 tem shall be available at no cost for basic services  
20 and at-cost for additional authorized services;

21 “(2) produce publications on a cost-shared basis  
22 for school district and university personnel and oth-  
23 ers involved in the education of language-minority  
24 students and shall produce synthesis reports related  
25 to all programs funded under this title. It shall also

1 produce and disseminate publications related to is-  
2 sues relevant to the education of language-minority  
3 students;

4 “(3) offer toll-free telephone and fax service to  
5 those interested in seeking information about the  
6 education of language-minority students;

7 “(4) also be involved in coordination activities  
8 with all projects funded under this title. The clear-  
9 inghouse shall implement an outreach program with  
10 other information entities and with professional or-  
11 ganizations and other Federal and State programs  
12 providing services to limited-English-proficient and  
13 language-minority students. The clearinghouse shall  
14 be a vehicle for the coordination of information on  
15 national education goals and curriculum, training  
16 and testing efforts related to content, delivery and  
17 performance standards affecting limited-English-  
18 proficient and language-minority students;

19 “(5) provide clearinghouse services the recruit-  
20 ment of teachers and other educational personnel in  
21 low-incidence languages and related outreach includ-  
22 ing but not limited to, professional organizations  
23 and educational agencies;

24 “(6) in consultation and collaboration with  
25 EACs and MRCs, and others, disseminate informa-

1       tion on exemplary practices from programs funded  
2       under this title, including those recognized under  
3       section 7040; and

4               “(7) in collaboration with OBEMLA, partici-  
5       pate in planning, consolidating, analyzing and dis-  
6       seminating grantee-generated information through  
7       computerized data bases.

8       **“SEC. 7041. BLUE RIBBON BILINGUAL EDUCATION**  
9               **SCHOOLS.**

10       “(a) ESTABLISHMENT.—Not later than six months  
11       following enactment of this Act, the Secretary shall estab-  
12       lish the Blue Ribbon Bilingual Education Schools Pro-  
13       gram as part of the Blue Ribbon Schools Program to  
14       recognize schools or programs which have established  
15       standards of excellence in bilingual education and which  
16       have demonstrated a high level of quality.

17       “(b) SCHOOL AND PROGRAM SELECTION.—The Sec-  
18       retary shall competitively select schools and programs to  
19       be recognized from among public and private schools or  
20       programs within the States and schools funded by the De-  
21       partment of the Interior who have been nominated by  
22       State or local educational agencies, tribal organizations,  
23       professional organizations, institutions of higher edu-  
24       cation, or community based organizations.

“(c) RECOGNITION OF SCHOOLS OPERATING BILINGUAL EDUCATION PROGRAMS.—On at least a biennial basis the Secretary shall provide recognition of not less than 12 schools operating bilingual education programs that develop student proficiency in English and a second language as ‘Blue Ribbon Bilingual Education Schools’. Information on Blue Ribbon Bilingual Education Schools shall be disseminated through the Blue Ribbon Schools Program, the national bilingual education network, the National Dissemination Network and other appropriate entities.

12       **“PART C—BILINGUAL EDUCATION TEACHER**  
13                   **TRAINING**

14   **“SEC. 7051. PURPOSE.**

15 “The purpose of this part is to assist in preparing  
16 educators to improve the delivery of educational services  
17 to language-minority and limited-English-  
18 proficient students. This part supports the training of all  
19 educational personnel to serve more effectively limited-  
20 English-proficient students. This part provides for the  
21 training of not less than 50,000 teachers who meet profes-  
22 sional preparation and certification standards for bilingual  
23 education teachers by the year 2000.

1   **“SEC. 7052. TRAINING FOR ALL TEACHERS PROGRAM.**

2           “(a) PURPOSE.—The purpose of this section is to  
3 provide for the incorporation of courses and curricula on  
4 appropriate and effective instructional and assessment  
5 methodologies, strategies and resources specific to limited-  
6 English-proficient and language-minority students into  
7 education personnel preparation programs for teachers,  
8 counselors, administrators and other education personnel.

9           “(b) AUTHORIZATION.—The Secretary shall award  
10 grants for up to 5 years to institutions of higher education  
11 in consortia with local education agencies or State edu-  
12 cation agencies or nonprofit organizations.

13           “(c) PERMISSIBLE ACTIVITIES.—Activities conducted  
14 under this section may include the development of inserv-  
15 ice training programs in collaboration with training under  
16 chapter 1, the Eisenhower Math and Science program,  
17 Head Start and other relevant programs.

18           “(d) PRIORITY.—The Secretary shall give priority to  
19 applications from institutions of higher education which  
20 currently operate, with full-time tenured faculty, programs  
21 to prepare educators and administrators to work with lan-  
22 guage-minority and limited-English-proficient students in  
23 bilingual education settings. The Secretary shall give spe-  
24 cial consideration to such programs if they train secondary  
25 school teachers or early childhood development teachers.



1   **“SEC. 7053. BILINGUAL EDUCATION TEACHERS AND PER-**  
2                                   **SONNEL GRANTS.**

3           “(a) PURPOSE.—The purpose of this section is to  
4   provide for degree programs to prepare new bilingual edu-  
5   cation teachers, administrators, counselors, and other edu-  
6   cational personnel to meet high professional standards for  
7   bilingual education teachers.

8           “(b) AUTHORIZATION.—The Secretary shall award  
9   grants for up to 5 years to institutions of higher education  
10  in consortia with local or State educational agencies.

11   **“SEC. 7054. BILINGUAL EDUCATION CAREER LADDER PRO-**  
12                                   **GRAM.**

13           “(a) PURPOSE.—The purpose of this section is to up-  
14   grade the qualifications and skills of existing educational  
15   personnel, especially educational paraprofessionals, to  
16   meet high professional standards, including certification  
17   and licensure as bilingual education teachers and other  
18   educational personnel who serve limited-English-proficient  
19   students, through collaborative training programs oper-  
20   ated by institutions of higher education and local and  
21   State educational agencies. Grants for programs under  
22   this section may also provide for collaborative programs  
23   operated by institutions of higher education and secondary  
24   schools which are designed to recruit and train secondary  
25   school students as bilingual education teachers and other

1 educational personnel to serve limited-English-proficient  
2 students.

3 “(b) AUTHORIZATION.—The Secretary shall award 5-  
4 year grants for bilingual education career ladder programs  
5 to institutions of higher education applying in consortia  
6 with local or State educational agencies; consortia may in-  
7 clude community-based organizations or professional edu-  
8 cation organizations.

9 “(c) ACTIVITIES.—Grants funded under this section  
10 may—

11 “(1) include the development of bilingual edu-  
12 cation career ladder program curricula appropriate  
13 to the needs of the consortium participants;

14 “(2) provide assistance for stipends and costs  
15 related to tuition, fees and books for enrolling in  
16 courses required to complete degree and certification  
17 requirements as bilingual education teachers; and

18 “(3) include programs for future bilingual edu-  
19 cation teachers consisting of activities for introduc-  
20 tion to teaching during secondary school preceding  
21 graduation and providing for articulation with other  
22 activities under this section;

23 “(d) REQUIREMENT.—Programs funded under this  
24 section must be carried out under an articulation agree-  
25 ment between the participants in the consortium;

1       “(e) SPECIAL CONSIDERATION.—The Secretary shall  
2 give special consideration to applications under this sec-  
3 tion which provide for—

4           “(1) participant completion of baccalaureate  
5 and masters degree teacher education programs, cer-  
6 tification and effective employment placement activi-  
7 ties;

8           “(2) development of teacher proficiency in Eng-  
9 lish and a second language, including required dem-  
10 onstration of proficiency in the instructional use of  
11 English and a second language in classroom con-  
12 texts;

13          “(3) coordination with TRIO, the Teacher  
14 Corps, National Community and Service Trust Act  
15 and other programs for the recruitment and reten-  
16 tion of bilingual students in secondary and post-sec-  
17 ondary programs to train as bilingual educators; and

18          “(4) the applicant’s contribution of additional  
19 student financial aid to participating students.

20 **“SEC. 7055. GRADUATE FELLOWSHIPS IN BILINGUAL EDU-**  
21 **CATION PROGRAM.**

22       “(a) AUTHORIZATION.—The Secretary is authorized  
23 to award fellowships for advanced study in bilingual edu-  
24 cation leading to a masters or doctorate degree. For fiscal  
25 year 1994 not less than 500 fellowships leading to a mas-

1   ters or doctorate degree shall be awarded under this sec-  
2   tion, rising each subsequent year of this authorization by  
3   not less than 50. The Secretary shall include information  
4   on the operation and the number of fellowships awarded  
5   of the fellowship program in the report required under sec-  
6   tion 7051(c) of this title.

7       “(b) FELLOWSHIP REQUIREMENTS.—Any individual  
8   receiving a fellowship under this section shall agree either  
9   to repay the cost of such assistance or to work in an activ-  
10   ity related to programs and activities such as those au-  
11   thorized under this title in return for cancellation of a per-  
12   centage of such debt based on years of qualifying service.  
13   The percentage of debt for such assistance which shall be  
14   canceled under this paragraph is at the rate of 15 percent  
15   for each of the first and second years of such service, 20  
16   percent for each of the third and fourth years of such serv-  
17   ice, and 30 percent for the fifth year of such service. The  
18   Secretary may waive this requirement in extraordinary cir-  
19   cumstances.

20       “(c) PRIORITY.—In making grants for fellowships,  
21   the Secretary shall give priority to eligible applicants  
22   with—

23               “(1) demonstrated competence and experience  
24               in programs and activities such as those authorized  
25               under this Act; and

1           “(2) which will fund from other sources at least  
2           one fellowship for each three funded under this Act.

3   **“SEC. 7056. APPLICATIONS.**

4           “(a) IN GENERAL.—Each applicant or consortium  
5   that desires to receive a grant under this part shall submit  
6   an application to the Secretary and the State educational  
7   agency or State board for higher education as appropriate,  
8   at such time and in such manner as the Secretary shall  
9   prescribe. The application shall demonstrate integration,  
10   where appropriate, with the State and local plans, if such  
11   plans exist, for serving limited-English-proficient students.  
12   The State and local educational agency, and where appli-  
13   cable the State board for higher education, may comment  
14   in writing on the application indicating how the applica-  
15   tion furthers State education reform activities, including  
16   the provision of appropriate high quality education to all  
17   language minority students. The Secretary shall take any  
18   written comments that have been made into consideration  
19   when considering applications under this part.

20          “(b) ELIGIBLE ENTITIES.—

21               “(1) A grant may be made under this part  
22   upon application of an institution of higher edu-  
23   cation, applying individually or jointly with one or  
24   more local educational agencies, nonprofit organiza-  
25   tions, or State educational agencies.

1           “(2) The Secretary shall provide for outreach  
2           and technical assistance to institutions of higher  
3           education eligible under title III of the Higher Edu-  
4           cation Act and tribally controlled institutions of  
5           higher education to facilitate their participation in  
6           activities under this part.

7           “(c) APPLICATION REQUIREMENTS FOR BILINGUAL  
8   TEACHER TRAINING PROGRAMS.—

9           “(1) An application for a grant for preservice  
10          or inservice training activities described in this part  
11          shall be developed in consultation with an advisory  
12          council composed of representatives of State and  
13          local educational agencies within the applicant’s  
14          service area or geographical region which operate  
15          programs of bilingual education.

16          “(2) The application shall demonstrate integra-  
17          tion, where appropriate, with the State plan, if one  
18          exists, for serving limited-English-proficient stu-  
19          dents.

20          “(d) PREFERENCE IN ASSISTANCE AND PURPOSE OF  
21   TRAINING.—

22          “(1) In making a grant under this part the Sec-  
23          retary shall give preference to programs which—

24                  “(A) include tenured faculty in bilingual  
25                  education, and

1           “(B) provide additional resources for such  
2           training from other sources.

3           “(2) In making grants under sections 7042,  
4           7043 and 7044, the Secretary shall give special con-  
5           sideration to programs that ensure that individuals  
6           completing such programs demonstrate proficiency  
7           in English and a second language.

8           “(e) PROGRAM REQUIREMENTS.—Activities con-  
9           ducted under this part shall assist educational personnel  
10          in meeting State and local certification requirements for  
11          bilingual education and, wherever possible, shall award  
12          college or university credit.

13          “(f) STIPENDS.—In the terms of any arrangement  
14          described in this part, the Secretary shall provide for the  
15          payment, to persons participating in training programs so  
16          described, of such stipends including allowances for sub-  
17          sistence and other expenses for such persons and their de-  
18          pendents) as the Secretary may determine to be consistent  
19          with prevailing practices under comparable federally sup-  
20          ported programs.

21                   **“PART D—ADMINISTRATION**

22   **“SEC. 7061. OFFICE OF BILINGUAL EDUCATION AND MINOR-**  
23                   **ITY LANGUAGE AFFAIRS.**

24          “(a) ESTABLISHMENT.—There shall be, in the De-  
25          partment of Education, an Office of Bilingual Education

1 and Minority Languages Affairs (hereafter in this section  
2 referred to as the ‘Office’) through which the Secretary  
3 shall carry out functions relating to bilingual education  
4 [and multilingual proficiency].

5 “(b) ASSISTANT SECRETARY.—(1) The Office shall  
6 be headed by an Assistant Secretary of Bilingual Edu-  
7 cation and Minority Languages Affairs, appointed by the  
8 Secretary, to whom the Secretary shall delegate all dele-  
9 gable functions relating to bilingual education. The Assist-  
10 ant Secretary shall also be assigned responsibility for rec-  
11 ommending improvements and providing technical assist-  
12 ance to other Federal programs serving language-minority  
13 and limited-English-proficient students and their families.

14 “(2) The Office shall be organized as the Assistant  
15 Secretary determines to be appropriate in order to carry  
16 out such functions and responsibilities effectively.

17 “(3) The Secretary shall ensure that limited-English-  
18 proficient and language-minority students are included in  
19 ways that are valid, reliable and fair under all standards  
20 and assessment development conducted or funded by the  
21 Department.

22 “(c) REPORT.—The Assistant Secretary shall prepare  
23 and, not later than February 1 of each year, shall submit  
24 to Congress, the President, the Governors, and the clear-  
25 inghouse a report on—



1           “(1) the activities carried out under this title  
2           and their effectiveness in improving the education  
3           provided to limited-English-proficient students;

4           “(2) a critical synthesis of data reported by the  
5           States pursuant to section 7035;

6           “(3) an estimate of the number of certified bi-  
7           lingual education personnel in the field and an esti-  
8           mate of the number of bilingual education teachers  
9           which will be needed for the succeeding 5 fiscal  
10          years;

11          “(4) the major findings of research carried out  
12          under this title; and

13          “(5) recommendations for further developing  
14          the capacity of our Nation’s schools to educate effec-  
15          tively limited-English-proficient student.

16          “(d) ASSESSMENT OF BORDER EDUCATION.—The  
17          Secretary shall identify effective policies for strengthening  
18          the quality of education for all students, including limited-  
19          English-proficient and language-minority students who re-  
20          side near the United States border with Canada and Mex-  
21          ico, as well as Hawaii, the Commonwealth of Puerto Rico,  
22          the territories and freely associated nations. The report  
23          shall include identification of—

24                 “(1) current and likely trends in student and  
25                 out-of-school youth migration in border communities

1       and the implications for school delivery of quality  
2       education in such communities,

3           “(2) existing procedures for the international  
4       transfer of student records for transferring students  
5       and options for improvement,

6           “(3) the native language and second language  
7       proficiency of students residing in border commu-  
8       nities,

9           “(4) opportunities for elementary, secondary,  
10      and postsecondary teacher exchanges, particularly  
11      for teachers of languages other than English, bilin-  
12      gual and English-as-a-second-language educators, to  
13      become familiar with the culture and languages of  
14      students they are responsible for teaching;

15          “(5) options for improving access to language  
16      and other instruction through authentic materials,  
17      live interactive broadcasts, and other electronic tech-  
18      nology, and

19          “(6) the need for and availability of opportuni-  
20      ties for training in language for specific purposes for  
21      internationally related activities including health, law  
22      enforcement, and internationally related activity of  
23      small business. The study may also address other  
24      matters determined by the Secretary to be relevant.

1 A preliminary report on these issues shall be provided to  
2 the Congress not later than 2 years after the enactment  
3 of this Act. The final report including policy proposals for  
4 improvements in these areas shall be provided to Congress  
5 and the President not later than October 21, 1997.

6 “(e) COORDINATION WITH RELATED PROGRAMS.—

7 “(1) In order to maximize Federal efforts  
8 aimed at serving the educational needs of children of  
9 limited-English proficiency, the Secretary shall co-  
10 ordinate and ensure close cooperation with other  
11 programs serving language-minority and limited-  
12 English-proficient students that are administered by  
13 the Department of Education and other agencies.  
14 The Secretary shall consult with the Secretary of  
15 Labor, the Secretary of Health and Human Services,  
16 the Secretary of Agriculture and other relevant  
17 agencies to identify and eliminate barriers to appro-  
18 priate coordination of programs that affect lan-  
19 guage-minority and limited-English-proficient stu-  
20 dents and their families. The Secretary shall provide  
21 for continuing consultation and collaboration be-  
22 tween OBEMLA and relevant programs operated by  
23 the Department, including chapter 1, in planning,  
24 contracts, providing joint technical assistance, pro-  
25 viding joint field monitoring activities and in other

1 relevant activities to ensure effective program coordi-  
2 nation to provide high quality education opportuni-  
3 ties to all language-minority and limited-English-  
4 proficient students. In no case shall such coordina-  
5 tion at the local, State or Federal level permit funds  
6 under this title to be used in programs that do not  
7 provide bilingual education or special alternative in-  
8 structional programs for the instruction of language-  
9 minority or limited-English-proficient students.

10 “(2) The Secretary’s reports under section  
11 6213 of the Augustus F. Hawkins-Robert T. Staf-  
12 ford Elementary and Secondary School Improvement  
13 Amendments of 1988 and under section 7051 (c) of  
14 this Act shall include demonstration that such co-  
15 ordination has taken place.

16 “(f) STAFFING REQUIREMENTS.—The Secretary  
17 shall ensure that the Office of Bilingual Education and  
18 Minority Language Affairs is staffed with sufficient per-  
19 sonnel trained or with experience in bilingual education  
20 to discharge effectively the provisions of this title.

21 “(1) Notwithstanding section 403 of the De-  
22 partment of Education Organization Act, the Assist-  
23 ant Secretary may appoint not more than 7 addi-  
24 tional employees to serve as staff without regard to

1 the provisions of title 5, United States Code, govern-  
2 ing appointments in the competitive service.

3 “(2) The employees appointed under paragraph  
4 (1) may be paid without regard to the provisions of  
5 chapter 51 and subchapter III of chapter 53 of that  
6 title relating to classification and General Schedule  
7 pay rates, but shall not be paid a rate that exceeds  
8 the minimum rate of basic pay payable for GS-15  
9 of the General Schedule.

10 “(g) READING AND SCORING APPLICATIONS.—For  
11 the purpose of reading and scoring applications for com-  
12 petitive grants authorized under this title, the Secretary  
13 shall use persons who are not employees of the Federal  
14 Government and who are experienced and involved in bi-  
15 lingual education including teachers, researchers, and ad-  
16 ministrators of educational programs similar to those as-  
17 sisted under this title. Readers and scorers of applications  
18 for grants involving conservation of Indian languages and  
19 other indigenous language which are subject to loss shall  
20 include individuals with expertise in such programs. The  
21 Secretary shall solicit nominations for application readers  
22 from State directors of bilingual education, graduate pro-  
23 grams of bilingual education, tribal organizations and pro-  
24 fessional associations and shall use funds appropriated for  
25 the programs authorized under this title to pay for the

1 application reading and scoring services required by this  
2 provision. Such readers shall serve for a period of 3 years,  
3 with one third of the appointments expiring each year. The  
4 Secretary shall provide relevant training for reviewers.

5 “(h) PUBLICATION OF PROPOSALS.—The Secretary  
6 shall publish and disseminate all requests for proposals for  
7 programs funded under this title.

8 “(i) TEXTBOOKS.—Nothing in this title shall be con-  
9 strued as authorizing the Secretary to conduct or support  
10 studies or analyses of the content of educational textbooks.

11 **“SEC. 7062. RELEASE TIME.**

12 “Professional development programs funded under  
13 this Act shall permit use of funds for professional release  
14 time to enable participation in programs assisted under  
15 this part.

16 **“SEC. 7063. EDUCATION TECHNOLOGY.**

17 “Funds available under this Act may be used to pro-  
18 vide for the acquisition or development of education tech-  
19 nology or instructional materials, including authentic ma-  
20 terials in languages other than English, access to and par-  
21 ticipation in electronic networks for materials, training  
22 and communications, and incorporation of such resources  
23 in curricula and programs such as those funded under this  
24 title.

1   **“SEC. 7064. LANGUAGE AND CULTURAL INSTITUTES.**

2           “Funds provided under this title may be used to con-  
3   duct intensified programs using native language teachers,  
4   including summer programs that include activities of  
5   international cooperation so that teachers of limited-Eng-  
6   lish-proficient students better understand the students  
7   they serve. Institutes may include provision of technology-  
8   based training programs and development of electronic  
9   networks for delivery of such training on an ongoing basis.  
10   Priority shall be given to applications which include teach-  
11   ers, counselors and administrators in secondary schools.

12   **“SEC. 7065. NOTIFICATION.**

13           “The State educational agency, when applicable, the  
14   State Board for postsecondary education when applicable,  
15   and the clearinghouse, and the applicable Evaluation and  
16   Assessment Center and Multifunctional Resource Center  
17   shall be notified within three working days of the date a  
18   grant is made to an eligible entity within the State.

19   **“SEC. 7066. DISTRIBUTION OF FUNDING.**

20           “The Secretary shall, to the extent feasible in con-  
21   sonance with high quality programming, allocate funds ap-  
22   propriated in proportion to the geographical distribution  
23   of children of limited-English-proficiency throughout the  
24   Nation, with due regard for the relative ability of particu-  
25   lar local and State educational agencies to carry out such  
26   programs.

1 **“SEC. 7067. CONTINUED ELIGIBILITY.**

2 “Entities receiving grants under this title shall re-  
3 main eligible for grants for subsequent activities which ex-  
4 tend and do not duplicate those activities supported by  
5 a previous grant under this title. In considering applica-  
6 tions for grants under this section the Secretary shall take  
7 into consideration the applicant’s record of accomplish-  
8 ments under previous grants.

9 **“SEC. 7068. WITHHOLDING OF PAYMENTS.**

10 “(a) FAILURE TO COMPLY.—Whenever the Sec-  
11 retary, after reasonable notice to the grantee and the  
12 State educational agency and an opportunity for a hearing  
13 on the record, finds that there has been a failure to comply  
14 substantially with any assurances required to be given or  
15 conditions required to be met under this chapter, the Sec-  
16 retary shall notify such grantee of these findings and that  
17 beginning 60 days after the date of such notification,  
18 funding will be reduced or terminated until the Secretary  
19 is satisfied that there is no longer any such failure to com-  
20 ply. Until the Secretary is so satisfied, no further pay-  
21 ments shall be made to the grantee under the part or sub-  
22 part thereof, or payments shall be limited to entities in  
23 the grantee consortium not affected by the failure, or pay-  
24 ments to particular grantees shall be reduced, as the case  
25 may be.



1       “(b) NOTICE TO PUBLIC.—Upon submission to a  
2 grantee of a notice under subsection (a) that the Secretary  
3 is withholding payments, the Secretary shall take such ac-  
4 tion as may be necessary to bring the withholding of pay-  
5 ments to the attention of the public and the States.

6       **“SEC. 7069. JUDICIAL REVIEW.**

7       “If any grantee is dissatisfied with the Secretary’s  
8 action under section 7027(f), such grantee may, within 60  
9 days after notice of such action, file with the United States  
10 court of appeals for the circuit in which such grantee is  
11 located, a petition for review of that action. A copy of the  
12 petition shall be forthwith transmitted by the clerk of the  
13 court to the Secretary. The filing of such petition shall  
14 act to suspend any withholding of funds by the Secretary  
15 pending the judgment of the court and prior to a final  
16 action on any review of such judgment. The Secretary,  
17 thereupon, shall file in the court the record of the proceed-  
18 ings on which the Secretary’s action was based, as pro-  
19 vided in section 1254, of title 28, United States Code.

20       **“SEC. 7070. LIMITATION OF AUTHORITY.**

21       “The Secretary shall not impose restrictions on the  
22 availability of funds authorized under this title other than  
23 those set out in this title or other applicable Federal stat-  
24 utes and regulations.

3       “Any grant or contract awarded under this title prior  
4 to the effective date of these amendments shall be allowed  
5 to complete the term of the original award in accordance  
6 with the conditions of the original award, except, in the  
7 case of contracts, the term shall also include applicable  
8 option years.”.

9 0

11 HR 3229 IH—3

12 HR 3229 IH—4

13 HR 3229 IH—5

14 HR 3229 IH—6

15 HR 3229 IH—7

16 HR 3229 IH—8

17 HR 3229 IH—9

18 HR 3229 IH—10

19 HR 3229 IH—11

20 HR 3229 IH—12

21 HR 3229 IH—13

22 HR 3229 IH—14

23 HR 3229 IH—15